



## Workshop Report

# Protection of victims of sexual violence: Lessons learned



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Report by the Office of the United Nations High Commissioner for Human Rights (OHCHR)

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Office of the United Nations High Commissioner for Human Rights

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# Introduction

As part of efforts of the UN Office of the High Commissioner for Human Rights (OHCHR) to promote accountability for gender-based crimes, the Women's Human Rights and Gender Section (WHRGS) is organizing a series of "lessons learned" exercises to identify, analyse and share good practices and reinforce synergies and common understanding among practitioners on access to justice for victims of sexual violence, particularly in conflict, post-conflict, crisis and insecurity contexts.

On 27 and 28 March 2018, OHCHR-WHRGS organized one of these exercises to review and analyse initiatives to create an enabling environment and ensure protection for victims of sexual violence to participate in justice processes and for the fulfilment of accountability processes.

The workshop built on previous initiatives led by OHCHR on victims and witness protection, including the outcome of the 2012 expert consultation organized in Pristina to review existing standards and practice on victims and witness protection and on previous research conducted in this regard.

## Rationale and objectives of the lessons learned exercise

The central question analysed by the workshop was how victims' protection measures can be effective in fragile and complex contexts, such as conflict, post-conflict, crisis and insecurity situations, and contexts characterized by limited capacity and resources. The workshop focussed specifically on the elements of protection that are required for victims of sexual violence, in both the short and long term. The workshop tried to identify courses of action that had proven effective to strengthen victims' protection from physical, psychological and social harm, as well as possible strategies to overcome the prevailing challenges. The outcome of this exercise ultimately aims at informing OHCHR's, and other key stakeholders', interventions in this area of engagement.

Participants were invited to share examples of different initiatives, including: strengthening institutional mechanisms (e.g. working with State parties protection mechanisms and programmes, including the Judiciary, by reforming legislation and procedural regulations, etc.); strengthening civil society (e.g. initiatives supporting civil society or led by civil society actors performing protective functions, such as civil society protection networks); community level initiatives (e.g. advocacy, education or campaign activities aimed at combating stigmatization; working with the media, religious or traditional leaders); and initiatives at the individual level (e.g. psychosocial support; accompanying witnesses in judicial proceedings to prevent re-traumatization).

## Methodology and participants

Preparatory work included desk research, phone interviews with practitioners from civil society and from within the UN system, both based at headquarters and in the field. Semi-structured interviews were conducted via email and phone with over 40 civil society representatives and UN experts in the fields of accountability, protection of victims and witnesses of sexual violence. The preliminary mapping of the different field level interventions contributed to the selection of participants and the development of the agenda.

The workshop brought together 25 participants from a variety of institutional and regional backgrounds, with direct experience in the protection of victims of sexual violence, specifically in conflict and post-conflict contexts. Participants included: seven civil society representatives; seven UN field staff representatives (OHCHR, including human rights components of peace operations and UNDP); two representatives of the International Criminal Court; as well as ten representatives from UN entities based in Geneva and New York, including the UN Victims' Rights Advocate on Sexual Exploitation and Abuse (SEA) and representatives from the Team of Experts on the

Rule of Law and Conflict-Related Sexual Violence, the International, Impartial and Independent Mechanisms on Syria (IIIM) and different sections of OHCHR. Other UN agencies, that play a key role in addressing sexual violence or protection of victims, such as UNODC, UN Women and UNFPA were consulted and/or invited to the workshop but were unfortunately unable to attend. The workshop was attended by eight men and seventeen women.

All participants worked on the issue of sexual violence, and brought a specific area of expertise, including legal aid, rule of law, protection for victims and witnesses in judicial proceedings, psychotherapy, and human rights advocacy, among others. Participants shared their experience from countries such as Bosnia and Herzegovina, Cambodia, Central African Republic, Democratic Republic of the Congo, Guatemala, Kosovo<sup>1</sup>, Libya, Mali, Uganda, Ukraine, Somalia, South Sudan and Sri Lanka.

Discussions covered the following topics: implementing a victim-centred approach; protecting the victim's identity; protecting the victim from further physical harm; protecting the victim from psychological harm; combatting stigmatization; promoting a holistic approach to protection; and funding of protection programmes. Each session was introduced by two or three short presentations during which participants shared their practical experiences, followed by discussions between all participants moderated by OHCHR. In order to ensure a thorough analysis and coherence of the text, some examples and comments that have been made by participants in one session of the workshop may also be reflected under a different item of this present report.

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<sup>1</sup> Any reference to Kosovo, whether to the territory, institutions or population, is to be understood in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.



# 1. A victim-centred approach

Discussions were introduced by the UN Victim's Rights Advocate. After presenting her mandate, she highlighted how important it is to give victims a voice in efforts to acknowledge and validate their experience. She recalled the key rights of victims: the right to a fair and dignifying treatment, the right to information, the right to receive support services, the right to protection from the alleged perpetrator and others, as well as the right to have access to compensation, restitution and restorative justice.

Discussions focused on the importance of ensuring gender-sensitive protection programmes and interventions. This requires a thorough analysis of the prevailing forms of inequality, discrimination and violence based on sex and gender. While women and girls continue to be primarily affected by sexual violence, including due to structural power imbalances in society, it has become increasingly visible that sexual violence also affects men and boys, with gender stereotypes also underlying their victimization.

The following were identified as the elements of a victims-centred approach:

- ➔ Victims are not a single homogeneous group or category of people.
  - Each victim must be regarded as a unique individual. Each victim will define him or herself through different identities, which may raise different needs and different priorities.
- ➔ A victim-centred approach requires listening to victims to assess their individual needs and promote their rights and best interests.
  - A victim-centred approach implies that professionals working with victims of sexual violence should avoid making assumptions about what is best for the victims, and should respect victims' individual choices. Practitioners must challenge their own assumptions about victims' needs and expectations in relation to protection.

➔ A victim-centred approach implies a gender-sensitive approach.

- A victim-centred approach requires interventions that enhance protection by properly assessing and addressing the risks of harm experienced differently by women, men, girls and boys, as well as LGBTI people.
- Gender-sensitive approach entails ensuring that laws and policies on sexual violence and related protection regimes for victims are comprehensive, non-discriminatory and inclusive of both female and male victims (e.g. avoiding definitions of rape that exclude marital rape and male victims); ensuring special forms of protection adjusted to the sex and age or other characteristics of the victim; availability of support staff from both sexes (e.g. in Police specialized units, protection mechanisms, in medical or psychological services); locating service providers, including protection services, in places that are easily accessible by all (e.g. avoiding locating those situated only in maternity wards); avoiding the reproduction of harmful gender-stereotypes and forms of discrimination by public officials and other service providers (e.g. ensuring gender-sensitive messages; preventing further stigmatization and sense of shame and blame on the victims; perpetuating gender stereotypes; and, avoiding making assumptions about victims, who are not only women and not intrinsically vulnerable); among other measures that ensure female and male victims receive adequate support and protection;
- ➔ Victim informed individual choices should be key drivers of protection and accountability initiatives.
  - Victim interest may conflict with priorities established through accountability processes. Trials have been delayed because victims were not feeling safe to testify. Yet, in addition to being a right of the victims, respecting their needs, rights and choices can, in the long term, have benefits not only for them, but for the judicial process and society as a whole.

- Awareness-raising on the importance of placing victims at the centre of accountability programmes, including the benefits of ensuring accountability, should be strengthened within the UN system, as well as through certain implementing partners.
  - Many country-based accountability-related projects measure results in terms of the number of arrests, prosecutions and sentencing of perpetrators and have very few benchmarks related to victims' perspectives. This practice should be revised to better apply a victim-centred approach.
  - Protection services in prosecution processes must be neutral and, in particular, must be independent from prosecutorial authorities. Prosecutors may be seen as having duties or interests that could diverge from those of the victim, for example seeking to obtain evidence that could pose risks of re-traumatization of victims (and this perception may exist even if a particular prosecution service is doing its utmost to minimize such impact).
  - From a police investigation perspective, victims' needs and views are often not seen as the highest priority, given requirements for the investigation to be, and to be seen, as neutral and objective. However, investigators are more likely to obtain a more complete and coherent story from the victim, if they ensure that the victim feels safe and supported.
  - When obtaining or using a testimony, field investigators, lawyers and prosecutors must balance the potential risks for the victim against his or her informed choice to accept these risks. Together with the victim, they should identify and analyse all the risks the victim may face if he or she testifies, and should plainly explain the available options for protection, and the limits of such measures. Practitioners may need to respect a victim's informed decision to proceed with the judicial procedure or testimony even when there are risks attached.
- A victim-centred approach implies that measures are easily accessible by victims and simple to understand.
- This may require that access to information and protection mechanisms be simplified and facilitated. This can include grouping medical, psychological and legal assistance in a single location. Hospitals are often the main entry point for victims looking for physical recovery. Grouping other psychological support and legal assistance services under the same roof is not only more convenient for victims, but it has also helped to significantly increase the number of legal complaints and contributed, in some cases, to reducing the exposure to stigma.
- A victim-centred approach cannot be implemented on an ad hoc basis.
- There needs to be a full strategy and legal and policy framework that systematically ensures proper assistance from the outset of a procedure.
  - Holistic victim and witness protection should be defined and guaranteed by legislation and policies adopted at the national level, with the participation of victims' associations. Field workers must advocate for this when no such laws are in force in the concerned countries.
  - Victims' best interests may be better protected by working locally with partners within the victims' community. The persons that victims will encounter in referral or other services should be capable of, and enabled to, earn the full trust of victims.
- A victim-centred approach implies promoting a holistic approach to protection
- This includes referring victims to competent services, as well as securing funding or advocating for the creation of services that respond to victims' needs and fulfil their rights.



- Service providers and NGOs have greater impact when they work in close coordination and complementarity. Different practitioners need to work together to address the physical, psychological, legal assistance and socio-economic needs of the victims and aim for a seamless support system for victims of sexual violence.
- Effectively addressing victims' medical needs must be a priority, without which victims may not be able to engage in any judicial proceedings.

➔ A victim-centred approach implies avoiding raising expectations that cannot be met.

- Courts and other justice system processes usually do not have a victim-centred approach. Victims must be prepared with a realistic assessment of what engagement with the legal system may involve.
- Raising awareness with lawyers, prosecutors, and social workers on how to work with victims has proven beneficial both for victims and for the quality of the evidence, which will feed into the judicial process.

Participants provided information on legislative, procedural and practical measures that have proven effective in order to preserve and protect victims' identity during judicial processes. Tribunals can promote the use of pseudonyms or codification systems. Tribunals can decide to hold private or closed sessions or not to allow public broadcasting. Tribunals can also allow victims to testify behind a screen or blind, or may use other methods to prevent victims' faces from being seen. Victims can be allowed to testify from a separate room, with only the Court and/or the defence able to see her/his testimony. This could be facilitated by the use of technology such as simultaneous video and audio transmission, as well as use of pre-recorded statements.

These methods not only contribute to preserving the identity of victims, but also reduce the risks of re-traumatization, and intimidation by avoiding the physical presence of the victims in the court room, as well as eye-contact with the alleged perpetrator/s. Victims should also be accompanied by trained professionals and/or support persons. It was also highlighted that measures aiming at protecting the identity of victims in courts are increasingly recognized as important in order to protect them from the stigmatization they might suffer when returning to their community and within their families.

## 2. Preserving victims' identity

Participants discussed key measures of protection, especially against reprisals, intimidation and stigmatization of victims of sexual violence, including efforts to preserve and conceal victims' identity throughout all stages of the judicial procedure.

Participants presented examples of key measures taken during the evidence gathering phase to preserve the confidentiality of the identity of the victims in the preliminary stages of the justice process, emphasizing the importance of digital information security. Experience has proven that victims fearing for their safety or from stigma in their local community have agreed to provide their testimony to investigative authorities, when they were offered the possibility to travel to another village to meet with the authorities.

Participants also shared experiences of advocacy measures and work undertaken to raise the awareness of the media on the importance of preserving victims' identity from public disclosure. Requiring the use of facial or voice distortion on public broadcasts has also proven effective. It has been noted that, in some cases, criminal sanctions have been imposed for intentionally disclosing the identity of victims, when this is legally protected, and that this could have a significant deterrent effect and prevent names from being disclosed.

Participants recalled that often many of these measures ultimately rely on the discretion of the judge and tribunals, who may not have been adequately informed or sensitized. Some participants shared their experience of addressing possible resistance from judges and tribunals and how they sought funding and resources for the implementation of such measures, while noting that these are generally not particularly expensive.

It was further highlighted that judges may find it challenging to decide what specific protection measures are compatible with the fair trial rights of the accused in any given case, whether counter-balancing measures to protect the fairness of the trial will be adequate, and consequently whether the trial can or cannot proceed if the victim or witnesses identities are not disclosed. It is therefore indispensable that institutional reforms, as well as advocacy and awareness raising initiatives, target judges, prosecutors and judicial officers at all levels.

Participants also discussed the first step for victims in claiming protection, and in accessing justice and services, is to report the incident in some way, whether to the authorities, a local service provider, or a community leader. Encouraging survivors to report cannot be achieved through a one size fits all approach. Establishing community-based complaints and referral mechanisms that rely on local organizations can help to encourage reporting and facilitate accessing services. This can be ascertained through community conversations and focus group discussions.

Participants were also invited to reflect on other means that could be used to protect a victim's identity, especially when conditions at national level expose victims to reprisals and repression from alleged perpetrators, such as when these are public officials. Civil society actors are exploring avenues and advocating for the admissibility by Treaty Bodies of anonymous petitions. At present, Treaty Bodies require that the names of the petitioners are disclosed to the respondent state. In some cases Treaty Bodies used a system of codification for the names of the victims referred to in the petition, and only share the un-coded list with the names of the victims to two selected persons identified at the Member State's relevant ministries, in order to avoid the unnecessary broad circulation of these names within State entities.

Some participants faced the dilemma of whether they should push a case through the judicial process, knowing that a State's investigative authorities do not take any precautions to protect the victims' identity.

## Guatemala

In **Guatemala**, the landmark genocide trial against former President Rios Montt, which included charges for sexual violence was followed shortly after by the Sepur Zarco case on conflict-related sexual violence against indigenous women, allowing lessons learned from the first trial to be applied in the second. In the context of the Rios Montt trial, all hearings were public. Measures were taken to protect the identity of victims, hiding in particular their face from the public and the media, but these measures were mainly taken in a reactive and ad-hoc manner. Tribunals in Guatemala were not necessarily prepared to deal with such aspects within the context of a highly emblematic and media

intense case. Some of the measures taken during the Rios Montt trial could be replicated, and better prepared, in the course of the Sepur Zarco case. For instance, the public broadcasts (TV) of the hearings were exceptionally suspended when the time came for the testimonies of victims of sexual violence. An agreement was reached by the Tribunal with the media – and was respected - not to report the names of the victims to the public, nor to take pictures of their faces. While victims' faces could be hidden by a traditional shawl worn over their head, they had to sustain this cover during the entire duration of the trial, as no other measures were allowed by the tribunal to hide them from

the public. Most importantly, all these measures were discussed and agreed with the victims themselves. Victims were directly consulted in the process from the beginning, with the support of Guatemalan legal NGOs, who worked closely with them for several years designing and shaping the legal strategies and the necessary arrangements to allow their testimonies, while mitigating as much as possible the risks of reprisals and stigmatization, especially at the community level.



## South Sudan

In **South Sudan**, where sexual violence was largely committed by State forces and where impunity and a volatile security situation prevail, it is impossible for victims to turn to the government for protection and claim for justice. Victims wishing to raise a complaint are at extremely high risk of reprisals. In such contexts, anonymity is therefore of paramount importance. Another challenge in South Sudan is the lack of trained lawyers to collect information and prepare a case for the victims. In the absence of any formal possibility for accountability, lawyers have

a role to play in organizing and preserving the information with regard to the violations until some possibility of judicial accountability becomes available. In the meantime, local and international legal organizations have led innovative initiatives aimed at bridging this accountability gap by presenting anonymous petitions to relevant Treaty Bodies. Some Treaty Bodies have been approached by civil society organizations requesting the Committees to admit petitions presented on behalf of individual victims of sexual violence perpetrated by State officials, whose

names were anonymized. NGOs aim at preventing victims' names to be disclosed to the authorities, as it is currently the case as per practice and procedures of the Treaty Bodies. A change in such practice of Treaty Bodies would be ground-breaking and could improve victims' access to UN quasi-judicial systems with enhanced preservation of their identity and further protection from reprisals and stigma.



### Key lessons learned

- ➔ Victims' participation in decision-making processes are critical to making sure that the measures adopted and initiatives promoted will be respectful of their wishes and concerns and will ultimately do no harm. It is the victim's decision, after having explained to her/him all the potential risks she/he may face, to decide whether her/his identity should be protected and how. One should not assume that a victim of SGBV will necessarily want to testify anonymously. It is critical to avoid reproducing harmful gender stereotypes when promoting measures to protect victims' identity. For instance, imposing measures to prevent the disclosure of a victim's identity during a trial and assuming that victims need to have their identity protected may further stigmatize the victims, by (even unintentionally) promoting the idea that the violation suffered is somehow shameful.
- ➔ Experience has proven that many victims have felt empowered by testifying openly and some have expressed how they had preferred taking some risks of reprisals or stigmatization rather than testifying behind closed door or under a pseudonym. It was also noted that, in some cases, testifying can have a healing or therapeutic effect. Victims' autonomy and choice must be paramount in decision-making of protection measures.
- ➔ The institutional weight of prosecutorial authorities may impose excessive pressure on victims to testify openly. Psychosocial assistance is crucial to helping victims stand their ground when preparing their testimony before the prosecutor. Standards should ensure that prosecuting authorities have a duty to present all protection options available and let the victim make their own decision in an informed manner.
- ➔ It is extremely important to provide good training and advice to the victims in order for them to protect their identity themselves. Victims need to be integrated into the protection strategy and made aware that in practice they have the main responsibility in keeping themselves safe.
- ➔ Judges and prosecutors need to be aware and informed of measures and good practices that have proven effective in protecting the identity

of victims, especially in relation to victims of sexual violence, during trials, including when hearings are public. This highlights the importance of ensuring that the legislation, as well as rules and procedures of the judiciary allow, contemplate and support the adoption of protection measures before, during and after judicial proceedings.

- ➔ Awareness raising should also target the media, especially when emblematic cases provoke widespread public attention, sensitizing it to the possibly dramatic consequences of disclosing names or personal information of victims of sexual violence, promoting good practices, such as use of pseudonyms, voice and image distortion through public broadcast.
- ➔ Many measures that can be taken to protect victims' identity during a trial are not particularly complex and are generally very cost-effective. Victims' identity can sometimes be protected with little or no financial implication during the procedure, and protecting identities during the procedure can help avoid having to resort to more costly solutions after the procedure has concluded, such as – in the more serious cases – relocation or creation of new identities.
- ➔ UN human rights mechanisms, including Treaty Bodies and other mechanisms that receive complaints, have also a role to play in offering secure avenues for victims, including victims of sexual violence, to present their claims in a way that effectively reduces their exposure to reprisals, including from State officials. This is particularly critical when violations have been allegedly committed by public officials or with their consent or acquiescence.

### 3. Responses to threats, intimidations and risks to physical harm

Participants shared their experience in supporting the establishment and implementation of protection mechanisms, including measures and mechanisms aimed at responding to potential risks and threats of reprisals resulting from victims' participation in a judicial or quasi-judicial process.

Participants highlighted the fact that physical protection is the form of protection most commonly associated with criminal justice procedures and is a responsibility that should be assumed, in a normal context, by national authorities. They also pointed out that in conflict situations, State institutions may be too weak or lacking in responsiveness to efficiently run a protection programme. In certain cases, there is no legislation in force to organize protection of victims or witnesses, or laws or policies may not recognize the specific needs for a holistic approach to the protection of victims of sexual and gender-based violence. Participants gave examples of initiatives undertaken when States fail to or are unable to provide effective protection, including initiatives run by civil society or UN entities, complementing or supplementing State mechanisms, from basic safety measures to relocation measures.

Participants provided information on initiatives aimed at reinforcing the legislative framework by establishing protection mechanisms and programmes, as well as the required budget allocations; establishment of networks or focal points at the local level to conduct risk assessments and analysis of threats; hard-security measures (including police/UN brigade patrols, cell phones for victims, etc.); coordination and provision of safe avenues for transportation and accommodation when victims are required to travel to participate in judicial proceedings; as well as shelters for temporary relocation, especially during periods of high-exposure and risk.

Relocation has been mentioned as a measure of last resort, as particularly cumbersome, disruptive and even harmful to the victim, as well as expensive. Relocation can fail as a result of the distress it can impose on victims and failure not to disclose any



information on victims' identity or whereabouts. There have been cases, for instance, where the victim has revealed his or her location after feeling lonely and calling home. Victims facing high security risks have been successfully fast-tracked to obtain visas for relocation thanks to a standing arrangement between specific high risk communities and diplomatic missions.

Basic security measures to preserve the confidentiality of the information were flagged, including during interviews with victims and sources, when the testimonies of other victims should never be

referenced while interviewing another victim as this has created problems in the past.

Participants discussed how in certain cases, civil society has an important role to play by temporarily "replacing" the role and obligations of the State party, and need to be supported in such efforts for as long as the State proves unable or unwilling to take on such responsibility. Civil society networks constitute a crucial means for reaching out to communities affected by conflict and bringing in support from a variety of specialists and services to the most isolated victims.

## Democratic Republic of the Congo

In **DRC**, the MONUSCO was the first UN mission to have developed a specific UN-coordinated protection programme for victims and witness. The programme originated from the need to find witnesses willing to testify in five emblematic cases involving former military officials responsible for serious crimes, including rape and sexual slavery. It was established as a temporary measure due to the absence of any law in force to organize the State's responsibility with regards to victim and witness protection. Using civil society victim and witness networks to identify, prepare and follow-up with victims, as well as precautionary measures to protect victims' identity, the Joint Human Rights Office in DRC managed to support victims of sexual violence to testify in court, which resulted in numerous convictions.

International funds and political pressure enabled significant achievements in recent years in terms of accountability for crimes of sexual violence in the DRC. At the same time, the lack of similar attention by the international community to other issues is a source

of concern. No conviction has yet been made in the DRC regarding conscription of children.

Protection teams collaborate with UN forces, by using their civilian protection tools, such as community liaison officers and patrols, however this kind of collaboration must be defined in a framework to be discussed with the UN Force, it cannot occur on an ad-hoc basis. They also collaborate with other investigative teams coming to the DRC, sharing knowledge on how to avoid placing victims at unnecessary risk.

A recent case in the DRC, involving abduction, rape and murder of some 37 children in South Kivu commune of Kavumu (ruling in December 2017) presented some good practices on how to responsibly manage victims and witnesses, notably in terms of coordination of a large number of national and international actors working with victims. The case was high profile because of the scope of atrocities committed by a militia led by a provincial member of parliament and the high security risk that victims and witnesses incurred by com-

ing to testify. MONUSCO set up a protection task force related to this case to coordinate the actions of various stakeholders. Protection focal points appointed within the Kavumu community were regularly assessing the security situation of victims and preparing the victims before trial, and were themselves at some point subjected to harassment. The Protection unit hence stepped up its protection protocol and requested the UN forces to conduct patrols to deter acts of intimidation and threat in the area. The MONUSCO protection unit currently includes 18 protection officers specialized in judicial and individual protection, who train and help coordinate 29 local protection networks covering a total of 490 organizations. These networks have helped pre-empt threats, assisted in verifying or authenticating reported threats to human rights defenders and avoid the escalation of situations and threats from an early stage.



There is a need to address urgent and short-term needs (e.g. to respond to imminent threats, and risks of stigmatization), even when a long-term response is still being developed, especially when justice is not foreseen in the short or mid-term. Participants mentioned the importance of ensuring continuity in protection after the trial. Specific challenges arise at this phase, including with the possible return of the victim to his/her community and subsequent risks of reprisals, stigmatization, among other sources of threats, and the need to ensure appropriate follow-up. This is particularly problematic when protection measures or specific interventions providing support to victims rely on time-bound funding.

Participants recalled that all victims (and possibly relatives) should have access to protection mechanisms including when, for whatever reason, their testimony will not be used in court and when there is no prospect for the opening of a judicial proceeding. Even in contexts where judicial authorities have no mandate to provide specific protection measures for victims that are not part of a judicial process, other State authorities should provide such protection, when the security, physical and psychological integrity of victims are at risk as a consequence of their victimization. The UN, as well as civil society, can play a critical role in filling possible protection gaps.

## Uganda

In **Uganda**, although no law is yet in force on the protection of victims and witnesses, the process of adopting the Prevention and Prohibition of Torture Act in 2012 represented an opportunity to include provisions on protection of victims and witnesses, with special protection measures for victims of sexual violence used as a form of torture.

OHCHR-Uganda has been advocating in favour of the Witness Protection Bill, which is pending before parliament, and a set of draft guidelines for victims and witness protection developed by the Office of Public Prosecutions, which will serve to complement the Bill once adopted, and will provide good practice for prosecutors and investigators before and during trial. The Bill focuses on technical, operational and practical protection measures that will be taken at the level of the Office of Public Prosecutions and at the lev-

el of the Police without the need for a court order. The office of the Public Prosecutions has created a dedicated Victim empowerment and Witness protection department.

With regards to transitional justice mechanisms, the International Crime Division of the High Court has adopted rules of procedure. This was also an opportunity to push for the inclusion of provisions specific to the protection of victims and witnesses of sexual violence, who may become at risk by testifying. The International Crimes Division of the High Court has also drafted guidelines to protect the psychological well-being, security and dignity of witnesses and potential witnesses of sexual crimes at risk of further harm if they participate in judicial proceedings.

In the preparation stage of a high profile case against a LRA commander, the Prosecutor's office

at the ICD had initially excluded charges of sexual violence on grounds of lack of witnesses to provide evidence and lack of capacity to investigate conflict related sexual violence. Following some training on how to investigate conflict-related sexual violence, the charges for sexual violence were eventually upheld and the Prosecutor's office appointed a victims counsel to support victims of sexual violence to come and testify. This success story needs to be put in perspective, as there is only one active case of sexual violence at the ICD, while thousands of victims are still waiting for justice, and cases involving government forces are not taken forward.



## Mali

In **Mali**, accountability is being sought in relation to some 130 victims in two cases, in the context of occupation by rebel forces tainted with serious human rights violations and international crimes in the north of the country. A number of challenges impede victims' access to justice: for example the lack of a legal framework and judicial infrastructure in Mali as well as the continuing insecurity in the North of the country. These challenges mean that victims had to travel over 1000km to provide their testimonies in court – all of this with limited protection measures available and no formal protection programme.

A network of Malian NGOs put together a pool of lawyers to assist the

victims and, with financial support from the Human Rights division of MINUSMA, provide minimum basic protection to the victims travelling to Bamako for the proceedings. First, they facilitate the travel of victims to the competent court in Bamako. Following a personal risk assessment elaborated together with the victim, a network of regional focal points keep in touch with the victims and regularly re-evaluate their security situation. Proposing income-generating activities to women victims of sexual violence has helped victims regain a more stable life style, and keep better track of the victims who may need protection.

The other protection tool is shelter and relocation, used mainly to

arrange for the travel of victims to Bamako when the trial takes place, and to provide safe and secret accommodation for them once in Bamako. Using risk assessment for every victim, the NGOs network focal point will decide together with victims on the safest mean of transportation.

Protecting the identity of victims during trial remains a significant challenge in Mali, aggravated by the fact that judges tend to minimize the security for victims coming to testify.



## Somalia

In **Somalia**, there is a high level of violence, specifically sexual violence within IDP camps due in part to the presence of a large number of security forces (including government forces, non-state actors such as private security companies, as well as African Union peacekeeping troops). Phone helplines have not been successful in guaranteeing minimum confidentiality and security for the victims reporting sexual violence. This has occurred either because these lines were monitored by govern-

ment or armed groups, or because of a lack of perceived independence. As a response, civil society organizations set up an independent complaint mechanism to offer a safe and impartial avenue for victims of sexual violence to lodge a complaint. The independent complaint mechanism (run by an international NGO) works in collaboration with a civilian oversight body, which oversees investigations led by local police. A new draft Sexual Offences Bill in Somalia includes specific, explicit measures appro-

priate to the Somali context to ensure the protection of the identity of witnesses who testify in sexual violence cases. These include low-cost measures such as testifying from behind a screen or while wearing a disguise.



## Key lessons learned

- ➔ Safety goes beyond physical integrity and expected risks and threats. It encompasses perceptions by victims and feeling secure in an environment that is respectful of their choices, autonomy and well-being.
- ➔ Risk assessments are essential for the protection of victims. They should be developed by taking into account the analysis by the victim/s themselves, as well as NGOs and documentary evidence, unofficial records (for example notes taken by community leaders) and digital and forensic evidence. Protection teams should be prepared for surging threat levels for victims at the start of the trial and at the time of conviction. Analysis should address the nature and source of the threats, in order to reduce the risks.
- ➔ Risk assessments should be carefully conducted and protection measures adopted from the very early stages of any process. At the pre-trial stage, it is important to organize a mission to visit the community, inform victims and raise awareness about the upcoming process and the risks their participation may entail. It is also an important opportunity to manage expectations with regards to protection options and the outcome of trial.
- ➔ Protection measures should not be limited to the victims that will participate in a judicial proceeding, for instance by giving her/his testimony. Risk assessments should include an analysis of the risks and threats affecting all potential victims, including when not all of them will take part in judicial proceedings. This is particularly important in cases involving numerous victims of an incident. While only a few of them may actively take part in the proceedings, exposure to risk factors may affect the whole group of victims or, in some cases, their communities.
- ➔ Elaborating a risk assessment may prove difficult when access to the area or other restrictions may impede detailed or sustained contact with the victim and local actors. Other sources of information can however be instrumental in contributing to the general risk assessment analysis.
- ➔ Local protection networks or focal points located in the communities where victims are have proven instrumental in securing regular assessment of the security situation of victims, in addition to providing the necessary support to the preparation of the victims before trial. Local or close community networks or focal points have helped pre-empt threats and avoid escalation of situations from an early stage.
- ➔ Protection measures for victims and witnesses have proven particularly effective when all actors involved, including national and international, have worked together with victims and operated in close coordination with each other. The UN can play a critical role in setting up protection task forces on specific cases to coordinate the actions of the various stakeholders involved in the different aspects of victim protection.
- ➔ The UN can also be instrumental in supporting protection measures, through a wide variety of initiatives, including: coordination, and monitoring of the human rights situation and particular risk assessment at the local level; providing concrete protection through UN brigades patrols; promoting advocacy and offering expertise and advice to authorities on gender-sensitive protection measures; as well as providing logistical and financial support for the operationalization of protection measures.
- ➔ Protection strategies aimed at ensuring greater presence and protection by UN brigades in closer contact with the local population, including victims, needs to be matched with effective protection from, and prevention of, sexual exploitation and abuse, ensuring accountability and applying a zero tolerance policy at all levels.
- ➔ When States fail to provide protection to victims of sexual violence, including in situations of armed conflict, NGOs have stepped in to fill the gap and provide medical, psychological and legal assistance. When the situation changes and conditions are met for the State to exercise its responsibility to provide support and protection measures for victims of sexual violence, it is important to enable civil society to continue to work, in coordination with



and, if appropriate, in cooperation with State institutions, during the transition to State-led services. Even where States have the political will and technical capacity to provide protection measures and support to victims and witnesses, the victims may have more trust in civil society organization than in State institutions.

- ➔ Victims and witness protection programmes in various countries can benefit from belonging to international networks, which bring together various experiences and expertise and allow for exchange of good practices and information. An example of such a network is the European Liaison Network, comprising the heads of national witness protection units, which has become a global professional platform over the years for exchanging information and developing guidelines.
- ➔ Strengthening the legislative framework, with robust victim and witness protection laws and regulations, especially in relation to the Prosecutor's office and the Judiciary, is critical. Legislation should explicitly include provisions setting out measures to be taken to protect the identity of sexual violence survivors who testify at trial.
- ➔ Shelters can be an effective way of providing immediate and urgent protection for victims. Shelters have proven effective when they can help accommodate the victims during the time of the hearings, or during investigations, i.e. when risks are more acute. Shelters have also proven effective for victims to wait, in a safe place, for a cooling-off period before returning to their communities after a public testimony.
- ➔ Shelters homes can also facilitate access to other key services, such as legal, psychological, social and medical services, with referrals to competent organizations, as well as a venue for providing recreational activities and a retreat for the victims' wellbeing (e.g. through yoga or meditation). Shelter homes operated by non-governmental associations have proven instrumental when victims do not trust the government authorities.

## 4. Psychosocial support

Protection from psychosocial harm is especially relevant for victims of sexual violence due to the particularly traumatic and sometimes stigmatizing experience they have suffered. The experience of participating in a judicial proceeding, including by giving testimony and possible cross-examination can be a very stressful experience. Psychological preparation and support during the process can mitigate this risk and can contribute to enhancing victims' resilience, transforming the experience into an empowering one.

While medical attention is important for physical recovery, disclosing information (e.g. to a medical doctor or psychosocial professionals) has proven a powerful form of acknowledgement of the victim's experience. When available, services addressed to victims of sexual violence often focus on women and girls, increasing the likeliness of under-reporting from male survivors.

Participants also discussed the harmful impact of prevailing gender stereotypes in the courtroom on victims, and shared examples of how these could further exacerbate the stigmatization of victims and increase the risks of re-traumatization and further psychological harm. In the example of Bosnia and Herzegovina<sup>2</sup> research has highlighted the prevalence of different bias in the judiciary in cases of rape, linked to myths around promiscuity, consent, credibility and shame. These include, for instance, suggesting that a women has provoked the act of rape by her behaviour, inquiring about the prior sex life of the victim, questioning whether the victim physically resisted, ignoring the impact of trauma on the capacity to recall details, or suggesting that the victim may be making untrue allegations in search of financial compensation. Such stereotypes have a negative impact on victims' health and well-being, as well as on the decisions of a tribunal in relation to the determination of the perpetrators' responsibility.

<sup>2</sup> Trial International, *Rape Myths in Wartime Sexual Violence Trials, Transferring the Burden from Survivor to Perpetrator*, 2017

While many female victims of rape struggle to attain recognition by national jurisdictions and by international mechanisms that what they suffered constituted torture, research shows that, in a number of contexts, tribunals refer to male rape as "torture". This may illustrate prevalent gender stereotypes through the possible intention by tribunals to preserve male victims from shame associate with rape, while actually reinforcing harmful gender stereotypes and the stigma by suggesting that men cannot be raped.

Psychological support has been instrumental in accompanying victims throughout a judicial process, on the one hand by addressing continuing psychological harm resulting from the original violation and trauma, but also by preventing or reducing risks of stress and re-traumatization associated with the investigation, court proceedings, cross-examination of testimonies and possible confrontation with the alleged perpetrator.

Participants discussed how psychosocial support should be made available long before the start of judicial proceedings. The priorities of both female and male survivors –tend to follow this order: first they need physical recovery; then they will feel the need to feel better psychologically; once they feel a little better they will try to enter the economic and social space again; and finally they may think of becoming involved in some activism to help others and have a more empowered approach to their experience. Participants discussed how psychosocial support has been instrumental in enabling victims to seek justice and participate in a judicial proceeding, particularly after a long healing process.

Experience has also shown that victims who have followed psychotherapy have often given stronger and more articulate testimonies, contributing to greater quality of judgements. Yet, protection programmes, including psychosocial support programmes, should not be driven by the interest of the prosecution, but should apply the principle of neutrality and should be designed and implemented with the well-being of the victim as the main priority. Some participants addressed the importance of providing psychological support for victims who did not testify or otherwise participate in the trial, such as collective therapy, through collective testimony in front of peers.

Participants discussed the benefits of collaboration with and between different entities (including the tribunal, prosecutor's office, lawyers representing the victims, the defence) in the context of judicial proceedings, to help support the victims in the process. Psychosocial support is a means for the victim to feel a greater sense of empowerment in an often alienating and intimidating judicial process and enabling them to make informed decisions about their participation therein.

Psychosocial support techniques can include individual or group therapy and counselling. Use of theatre plays and participation in collective remembrance sessions (testimonial therapy, participation in memorial and symbolic ceremonies) has also been a successful and inclusive way of providing a sense of healing and making victims' voices heard, with a therapeutic effect for all victims. These methods are particularly therapeutic for those victims and families who may have kept the details of their stories secret for a long time.

Participants also provided examples of psychological support measures provided in the courtroom to support victims in particularly intense moments, such as undergoing cross-examination. Training judicial actors with basic psychology skills is effective for guiding them in their interactions with vulnerable victims, thus reducing the risk of re-traumatization and helping victims deliver stronger and more coherent testimonies. Prosecutors in particular should also see that psychosocial support of victims and witnesses can improve the quality of the evidence.

Victims may need continuing psychological support after the hearing, as well as after the judgement has been delivered. The outcome of the judgement, including the level of the penalty and the possibility of acquittal can have a very serious psychological impact on the victim. This impact is not limited to those victims who have participated in the judicial process as witnesses, but can affect a larger number of persons, including other victims, their relatives, as well as a whole community or group. Psychosocial support services should take this into consideration.

Participants also discussed how the provision of services, such as psychosocial support, can be inclusive and appropriate for all victims, whatever



their sex, age, cultural or religious background and whatever the nature of the violation they suffered. To ensure inclusiveness, in some cases relatives may also require psychological support. Cultural factors should be duly considered when designing and delivering services and support for victims.

During the workshop, the importance of promoting a fully holistic approach to victims' protection was discussed, including the consideration of socio-

economic factors. Indeed, socio-economic dynamics and marginalization, which can be the result of the stigmatization, may limit the potential of protection programmes. While victims may have managed to cope with physical consequences of the violations and the trauma, including through psychosocial support services, they may still continue to be trapped in a cycle of poverty. Social status is equally important to the recovery for victims and their potential participation in judicial processes.

The ICC has accumulated extensive experience, and learned from the experience of other international tribunals. Psychosocial support to victims is provided before, during and, to a certain extent, after the trials, by professionals working with the Victims and Witnesses Section, located at the ICC Registry. Their work and interventions with victims of sexual violence have proven effective in supporting their preparation to testify and reduce the risk of re-traumatization and psychological harm that may be associated with the process. Risk assessments are initiated by teams located in

the field at the initial stage of the process, and include psychosocial evaluations. It was found that the fact that the Victims and Witnesses Section was located at the Registry and not in the Prosecutor's office, was instrumental in allowing for greater neutrality with the proceedings. Protection programmes should adopt a neutral stance and ensure that the well-being of the victim is their priority.

In addition to psychosocial support services, special measures implemented in the courtroom have proven useful to ease the experience of victims and miti-

gate the risks of re-traumatization and further psychological harm. This includes changing the setting of the room to avoid eye contact with the perpetrator, using video links rather than in-person confrontation between the victim and the accused, and in some cases limit the presence of other people in the room. In-court assistance may include the participation of a support person allowed to stay next to the victim and witness during the hearing, and adjustments can be made to questioning techniques to avoid unnecessarily intrusive or questions.

## Bosnia and Herzegovina

In **Bosnia and Herzegovina**, civil society organizations started providing psychosocial support, including psychological therapy, already during the war, initially on an ad-hoc basis. At that time, in the 1990s, the government had no knowledge or expertise of how to run psychological support services and civil society supplemented this gap and responded to the needs of numerous victims. Experience

has shown the importance of initiating this type of support as soon as possible following the trauma. Yet, support is often needed during numerous years after the trauma, as in some cases victims continue to suffer from depression and/or other medical conditions related to the violations suffered. It was highlighted that psychological support is critical and plays a key role in victims' determination

to pursue a judicial process. NGOs have worked with courts, training lawyers and prosecutors with basic psychological skills.



## Cambodia

In **Cambodia**, after the Khmer Rouge regime, professional psychological services were almost nonexistent as most trained psychotherapists had left the country or had been killed. In such contexts, and considering the scale of the violations, it has been particularly difficult to address victims' needs in Cambodia. Experience in Cambodia illustrate the importance

and effectiveness of working closely with communities and victims. Participants discussed different projects that provided support and enabled those victims who wish to do so to meet or communicate with their perpetrators (physically or via video messages), with the aim of engaging in a healing process. In Cambodia, civil society groups have organized voluntary

victim-perpetrator dialogues to help reconciliation (or cohabitation) when the perpetrator is still living in the community.



## Guatemala

In **Guatemala**, several examples, including the Sepur Zarco case, illustrate the critical importance of the psychosocial support provided during several years by civil society actors to indigenous women who had suffered sexual violence during the conflict. Civil society support at the community level, including through psychosocial

assistance to victims, group therapy and various group exercises, contributed to the empowerment of these women and allowed several of them to disclose, for the first time since the war, traumatic events, including sexual violence and sexual slavery suffered more than 30 years before. As a result, many of them presented official

claims for reparations and official judicial complaints that have later led to landmark judicial decisions, as in the case of Sepur Zarco.



## Democratic Republic of the Congo

In the **DRC**, following an active advocacy campaign with the Ministry of Health, a Joint Project with UN agencies was established specifically dedicated to the provision of

psychosocial services within all hospitals that may receive victims of sexual violence, alongside medical, legal and socioeconomic services.



## Key lessons learned

- ➔ Cases of sexual violence have been predominantly addressed from an accountability perspective, in some cases neglecting key aspects of victims' protection, rights and needs. Interventions of the international community and civil society actors (national and international) should adopt a

victim-centred approach to accountability, including by considering the importance of providing psychosocial support to victims before, during and after judicial processes. This can include direct provision of services by professionals, developing local capacities and enhancing or establishing psychosocial support networks and other related services addressed to victims.



- ➔ Victims should remain at the centre of psychosocial interventions. Psychosocial support for victims have ultimately proven instrumental for victim empowerment and has contributed to their readiness to lodge formal complaints before the judiciary or for reparation purposes. Psychosocial support has also proven greatly beneficial for the preparation of victims to participate in a judicial process. Yet, psychosocial support programmes should not be limited to the victims participating in judicial processes, nor should they be designed and implemented with that aim only. Psychosocial support programmes should be designed for the well-being of the victims and be guided by their interest. Failing to do so may lead to the instrumentalization of the victims' testimony raising risks of re-traumatization and further harm.
- ➔ Context-specific analysis has contributed to the identification of the different needs of men and women victims of sexual violence. Consultation with victims on their needs and expectations may reveal whether they would feel more comfortable with doctors, therapists or any other support staff of one sex or another. Practitioners should not assume, for example, that men would not feel comfortable disclosing their experience to women. This may be the case in some contexts, but in other situations, men have expressed they had felt less pressure to "act as men" when receiving psychosocial therapy from women.
- ➔ The definition of victims should not be limited to the individual who directly suffered the violence. The experience of victims has a significant impact on their children, spouses, witnesses and possibly the entire community. They may all need physical, psychological and social protection. Working with families of victims has proven beneficial to reduce stigma.
- ➔ Programmes led by civil society actors have proven effective in some contexts, as they are often closer to the victims and can start working with them at the local level at an early stage.
- ➔ Working at the community level has also proven effective. Bearing in mind that not all victims will have the opportunity to testify in court, initiatives aiming at providing psychosocial support have effectively reached out to larger groups of victims through tailored interventions at the community level. Involving the community in a healing process as soon as possible after a traumatic experience has also proven to be beneficial to reduce stigmatization. In certain contexts, radio broadcasts to the wider public have helped to reach out to victims and their families and relatives, by sharing basic information, and enhancing their understanding of trauma symptoms and minimizing the risks of stigmatization within the population. Radio broadcasts and other measures with widespread reach out may also be important, for example, for the adult or child relatives of victims, who may be particularly affected by their parent's trauma and yet unable to understand it.
- ➔ Judicial actors and human rights organizations working on accountability initiatives may not have the experience and understanding of how to address trauma of victims in the context of their work (e.g. trauma assessment, interview techniques to avoid re-traumatization). Training and briefing sessions for judicial actors and lawyers interacting with victims of sexual violence, on the psychosocial impact on witnesses and victims, adequate response to trauma and victim-centred and gender-sensitive methods of work, have proven useful to reduce risks of re-traumatization. Cooperation and inter-disciplinary networks of professionals have contributed to providing better support and protection to victims.
- ➔ Including in contexts where the prospects for accountability remain remote or non-existent, international support may be instrumental in funding the training of psychotherapists, social workers and other relevant professionals with the aim of progressively building capacity for the provision of psychosocial services.
- ➔ In places where there are no specialized psychologists, women's support groups may be a temporary solution to addressing the victims' trauma, but may not replace the need for professional therapists or social workers. Some organizations have created a foundation to support women in establishing self-help groups

for victims of sexual violence and peer support to reinforce their coping mechanisms. Peer support arrangements and income generating activities are straight-forward initiatives that have helped address urgent protection needs of victims, even in contexts where psychosocial support programmes are not available, and where State institutions are not ready or unwilling to perform their protection responsibilities.

- ➔ Activism can be a transformative experience. Victims may become empowered by - for example- delivering training, awareness-raising and advocacy and helping others who have lived through a similar experience. The participation of male victims in these initiatives has been instrumental in breaking the taboos around sexual violence against men and boys.
- ➔ When linked to a concrete judicial process, providing psychosocial support from the first contact with the victim, at the investigation stage, has proven effective. A relation of trust should be built with witnesses and constant contact should be maintained with investigative or protection programmes. The trust relationship should also help manage the victim's expectations regarding their participation in the investigation or trial. Risk assessment and psychological assessment and support should ideally start as early as possible. Support should not end abruptly after the end of the trial, as some victims may need prolonged psychological and social support.
- ➔ Initiatives supporting legislative and regulatory framework reforms are also instrumental. Psychosocial support for victims of sexual violence should be guaranteed as a right by laws and policies on victims and witness protection. It should also be included as part of the right to reparation of victims. Similarly, psychological support for victims needs to be included in protection strategies and frameworks, and appropriate funding should be allocated to psychological support in protection projects and frameworks. Moreover, operational frameworks may be necessary to guide practitioners in their decisions as to which kind of protection should be offered to a given victim.

- ➔ Psychological assistance, as conceived in many Western societies, may not be culturally appropriate in every country context and situation. In many countries, receiving such assistance would give rise to additional stigma. Psychological assistance needs to be tailored to cultural specificities of the victims' communities, and thus may not be effective if delivered only by international or foreign therapists. Methods and techniques should also be gender-sensitive and free from harmful gender stereotypes and tailored to address the different needs of victims of sexual violence.
- ➔ In addition to psychosocial support, special measures applied during the hearings at court have proven useful in easing the experience of victims and mitigate the risks of re-traumatization and further psychological harm. It is particularly important to avoid unnecessarily intrusive, cross-examination, allowing the presence of a support person for the victim during the trial and testimony, and limiting the unnecessary presence of other people in the room. Psychosocial support has proven beneficial for victims to feel sufficiently prepared and accompanied throughout the process (in addition to legal advice and support), including by empowering them to refuse to answer inappropriate questions.
- ➔ The establishment of holistic victim support programmes have strengthened victims' access to psychosocial support. Holistic support centres within hospitals are effective in increasing the chances for victims to receive the necessary attention, instead of accessing services in a fragmented way. Since most victims of sexual violence attend hospitals, when available, detection and referral within hospitals has proven crucial for victims to accessing other services, including psychosocial support programmes.



## 5. Combating stigma

Stigmatization associated with sexual violence is a social process that leads to the marginalization or creation, condoning or compounding of social exclusion for those that are (or are perceived to be) victims of sexual violence. Stigma is socially and culturally constructed around dominance and inequality, especially gender inequality, and is associated with emphasizing and embedding social 'difference' and subordination. Stigmatization involves penalizing or placing blame on individuals, groups or communities for bringing shame or 'transgressing' from the standards of their family, community or society. Stigma associated with sexual violence is not only the expression of individual values, beliefs or attitudes; it is the forceful expression of social norms that are cultivated within a given society through the behaviours and actions of groups of people and institutions.

The consequences of the exclusion and marginalization of victims of sexual violence are manifold. It may prevent them from accessing critical services, with risks for victims physical and mental health. It may lead to domestic violence, as well as spousal, family and community abandonment or rejection (including possible separation from one's own children), including retaliation, 'honour killings' or forced and

early marriage (including with the perpetrator). Stigmatization and abandonment may lead to loss of resources and livelihoods. Stigma can turn the blame on the victims of sexual violence, who in some cases can be criminalized (e.g. for adultery, same-sex relations). Victims reported that the experience of stigma can be as damaging as the incident of sexual violence itself. Children born as a result of rape often suffer stigmatization and its consequences. Most victims consistently mentioned confronting stigma as a priority.<sup>3</sup>

Stigma is a major barrier and deterrent to the reporting of sexual violence, preventing victims from seeking justice and accessing support. Participants discussed the importance of protection programmes to include initiatives to protect victims of sexual violence from stigmatization, which have long been neglected. Participants discussed good practices and challenges associated with combatting stigmatization at the community level, including activities targeting religious or faith leaders, and within the victim's family. They also shared measures to mitigate risks of marginalization, exclusion and isolation. The PSVI Principles for Global Action on preventing and addressing stigma associated with conflict-related sexual violence have created international interest on the issue of stigmatization and are a valuable tool that should be further used at country level.

### Cambodia

In **Cambodia**, civil society organizations worked with focal points based in the community who provided direct support to victims and raised awareness within the community about the context and circumstances of the violations, including sexual violence that the victims had suffered. Their role was instrumental in ensuring that

the victims felt supported when giving their testimony before the Court. At the community level, civil society actors used Forum Theatre plays, engaging with the younger generation who did not live under the Khmer Rouge regime, by probing dialogue and discussion on discrimination and violence against women, including rape.

Radio talk shows were also used to further raise awareness.



<sup>3</sup> PSVI Principles for Global Action on preventing and addressing stigma associated with conflict-related sexual violence

## Guatemala

In **Guatemala**, civil society organizations providing legal and psychosocial support to victims organized debriefing sessions after the hearings and after the judgment within the community of origin of victims, to enhance un-

derstanding of the outcome of the trial and to break circles of misinformation prevalent in the media. These interventions were important to improve the experience of victims returning home after they testified.



## Bosnia and Herzegovina

In **Bosnia and Herzegovina**, a film screened in 2007 has been instrumental in enhancing societal un-

derstanding about sexual violence as a war crime and of victims being entitled to special protection.



### Key lessons learned

- ➔ Working at the community level, before, during and after the trial and judgment has been handed down, has proven to reduce risks of stigmatization against victims. Work at the community level, including with community and religious leaders, before and after trial, also contributed to raising awareness and creating empathy and support for the victims. In some cases, religious and community leaders have become the focal point for the referral of victims to competent organizations. The potential role played by religious leaders, including through multi-faith councils, can be extremely influential in some communities, and should be taken into consideration.
- ➔ Media, including radio, has a significant role to play in broadcasting messages to help reduce the stigma attached to victims of sexual violence in a given society.
- ➔ Positive discussions can be triggered through cultural activities addressed to a particular community, or the general public, for example through movies, cartoons, books, or theatre plays on the topic of stigmatization of victims of sexual violence.

- ➔ Campaigns against stigma may, however, have a backlash effect if they are poorly designed, reproduce harmful gender-stereotypes and/or fail to properly research the actual stigmatization issues within society.
- ➔ While significant international attention and funding earmarked for combatting sexual violence has significantly helped women to come forward for protection and to attain justice, in certain countries the international source of the support has been cited by regressive elements to support a myth that international organizations fabricate cases or that women come forward solely to seek financial benefit.
- ➔ Mental health issues caused by trauma may also be a cause for further stigmatization. Mental health conditions are poorly understood in a number of contexts, communities and societies. Persons in need of psychosocial support are often labelled as "crazy" or "possessed". There is a need to raise awareness and promote better understanding of victims' rights and needs, at the community level.
- ➔ As a result of marginalization and extreme poverty, some victims of sexual violence, may resort to sex work thus leading to further stigmatization and marginalization.



## 6. Ensuring funding of protection programmes

Initiatives supporting the establishment of protection programmes require specific funding. Participants identified key challenges in relation to the funding of dedicated protection programmes.

Out of the large amount of funding dedicated to fighting sexual violence, only a small fraction goes directly to victims. Implementing organizations need to stand their ground and to set new conditions and limits if they consider that the demands from the donor and the nature of funding may be harmful to victims. Donors may become better aware of needs if grantees provide regular and honest reports about the challenges in the implementation of the projects. Gender-stereotypes may also prevail in donor programmes and sources of funding for victims of sexual violence. Some donors have often earmarked activities addressed to women victims only. In many cases, this may be due to prevailing gender stereotypes rather than an actual assessment of actual patterns of sexual violence in a given context.

The opportunities provided by UN funding were presented and discussed, including in relation to the use of Grants and the UN Voluntary Fund for Victims of Torture.

At the UN level frequent support is allocated to funding service providers, notably in areas such as medical and psychosocial services. The importance of collecting and sharing lessons learned, including both the successes and failures of such an approach, was discussed. Since a number of grant opportunities exist at the headquarter level, efforts should be made to make them more widely known in the field. Emergency grants are available but under-used. Because of the structure of UN financing, it is not possible to fund multi-year programmes: this may be a challenge in relation to programmes for victims of sexual violence, who tend to require longer-term stability and support.

### Key lessons learned

- A holistic protection approach for victims should be included in any SGBV project in the field. The participation of victims' associations, or at minimum consultation with them, in the design and implementation of these projects, must be ensured.
- Competition for funding is a crucial problem on the ground: coordination mechanisms at the field level have contributed to creating a more transparent and less competitive environment to fund local and international organizations to work on sexual violence, including protection activities. In the field, there is often no strategy for funding activities linked to the fight against sexual violence. Funding happens mostly on a bilateral basis with the government or with civil society organizations directly, leading to a lack of transparency, suspicion and distrust, and fostering a deeply divisive competitive system for funds. This environment is not favourable for ensuring optimal protection conditions for victims.
- In some cases, international funding may be fragmented and guided by the donor's interest. Funding may be allocated to the logistics necessary to bring perpetrators to justice, including in an unwilling justice system, but do not allocate any significant funding for more practical tools to ensure victim protection and initiatives to rebuild their lives— physically, psychologically and socio-economically.
- Consideration should be given to supporting initiatives outside the formal judicial system, including backing to service providers who offer medical and psychosocial support.
- Individual protection grants need to be approved and dispatched more swiftly as the situations to be dealt with on the ground are often serious and urgent.

## 7. Concluding remarks

Initiatives aimed at supporting the design and establishment of protection mechanisms and protection measures for victims of sexual violence have not consistently applied a victim-centred approach. While some key ideas were discussed during the workshop, further reflection and analysis is required to ensure a consistent understanding of what a victim-centred approach entails in practical terms. Gender-sensitive analysis is critical in such an exercise.

Initiatives implemented with the aim of protecting victims of sexual violence have suffered from fragmentation. Interventions operationalised in the context of projects seeking accountability for gender-based crimes, including sexual violence, have often focused their attention at the institutional level (e.g. legal reforms and regulations and policies; strengthening capacity of State officials; establishing or strengthening official protection programmes) and on measures directed at protecting victims' from threats against their physical integrity.

Tackling stigmatization is not systematically seen as an integral part of the strategies toward victims' protection in the context of accountability interventions. Initiatives aimed at addressing stigma in society and at the community level must be effectively coordinated with other efforts aimed at enhancing victims' protection before, during and after judicial proceedings.

Further efforts should be directed to ensure a holistic approach to the protection of victims of sexual violence, including strategic interventions to address, in a coordinated and complementary manner, the different levels of interventions-through civil society, community and individual levels and the different forms and sources of harm, including the psychosocial impact on victims and the consequences of stigma.

Examples of interventions seem to have focused on the phases surrounding judicial proceedings, while fewer interventions have addressed victims' protection needs before the trial or after the end of the process. Innovative interventions have contributed to victims' protection, in the absence of any prospect of accountability. Interventions addressing victims' needs for psychosocial support, risks of reprisals and stigmatization have contributed to the empowerment of victims, who felt safer and better prepared to lodge legal complaints.

Civil society actors have been innovative and persistent in seeking avenues to enhance protection from different forms of threats and harm against victims. CSOs are the main actors involved in providing psychosocial support and working at the community level to reduce the risks of stigmatization. Some good examples of cooperation and cross-fertilization are already in place and must be further encouraged.

Sexual violence against men is often neglected and requires specific interventions that take into consideration the differentiated needs of men and boys, in all aspects of protection programmes.

While a wide variety of actors in different contexts are actively engaged in these efforts, experiences, good practices and lessons learned should be further disseminated and shared.



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