



Concept Note EU-NGO Human Rights Forum 2022

Stop impunity: the road to accountability and justice

Human Rights in Crisis and Conflict

Co-organisers: European External Action Service (EEAS), European Commission (DG INTPA), Human Rights and Democracy Network (HRDN)

Dates: December 14th-15th

Rationale:

The current war against Ukraine and last year's Taliban take-over in Kabul show once again how international human rights and international humanitarian law are trampled in conflict and crisis situations. These crises underline the importance of supporting civil society organisations (CSOs) in their peacebuilding and prevention efforts, in their action to protect human rights, support victims, document violations and gather evidence. It is essential to acknowledge the critical role of civil society to protect communities and democratic institutions by denouncing serious human rights violations and abuses, violations of international humanitarian law and international crimes (hereby referred to as 'serious human rights violations and core international crimes') and seeking justice and accountability. Due to the nature of their work, CSOs and human rights defenders (HRDs) can become the primary targets of State and non-State actors in their fight for accountability and justice. CSOs and HRDs working in conflict and crisis situations have specific protection needs that the EU could address through its protection mechanisms, among others. HRDs and CSOs contribution is instrumental in ensuring practical support for victims, accountability for the crimes committed, redress for the victims and preventing repetition of crimes.

Appropriate and effective public policies should be in place to protect civil society and human rights defenders, including women human rights defenders, in conflict and post conflict situations,

as referenced by the [UN resolution on HRDs in conflict and post-conflict settings](#) at Human Rights Council 49th session.

The role of women human rights defenders and women peacebuilders, as well as of the youth, in the prevention, mediation and resolution of conflicts is paramount to achieving effective long-term sustainable peace. This year's EU-NGO forum will be a space to discuss these issues and identify solutions, encompassing the EU's role in ensuring accountability, improving access to justice and the protection of HRDs.

Furthermore, with 2022 marking the 20th anniversary of the entry into force of the Rome Statute, this year's EU-NGO forum is an opportunity for reflection on how the EU, its member states and civil society can contribute to strengthening the role of international criminal justice and of other accountability mechanisms.

Objectives

- Identify how the EU can meaningfully protect and strengthen CSOs and HRDs in conflict and crisis areas, supporting their role in preventing violations, fighting against impunity for serious human rights violations and core international crimes, and supporting victims' access to justice and reparations.
- Give visibility to human rights in conflict and crisis areas such as Ukraine, Syria, Libya, Yemen, the Horn of Africa, the Sahel, Afghanistan, Myanmar, DRC, South Sudan and Palestine¹, among others. CSOs from these areas do not always have access to major public platforms.
- Foster partnerships between CSOs, the EU and its Member States, the UN, and other mechanisms and entities to reduce the impunity gap worldwide, and to strengthen national and international criminal justice as well as other transitional justice mechanisms and processes.
- Develop recommendations to address practical support and justice for victims, accountability and prevention of crimes, into EU policies and programming.
- Identify how the EU can implement gender-sensitive responses to humanitarian crises and conflict through prioritising holistic and practical support to survivors of conflict-related sexual, gender-based and reproductive violence and violations, and supporting access to justice for survivors.

¹ This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue

Structure: 3 main pillars of discussion

Pillar I: Preventing Impunity – ensuring accountability and justice

Under this pillar, participants will discuss the key role that formal and informal justice systems at the national level play in preventing impunity, in relation to serious human rights violations and core international crimes, violations of international humanitarian law, violent conflicts and authoritarian repression. Discussions will explore the value of justice and accountability as intrinsic to sustainable peace and development. The discussion will also look into specific barriers to access justice for marginalised groups and specific types of violations such as sexual, gender-based and reproductive violence and sexual and reproductive health and rights (SRHR) violations.

This pillar will also cover the relation between justice, public policies and societal engagement in order to succeed in preventing serious human rights violations and core international crimes.

Key aspects to be discussed:

- Advancing the rule of law to address the root causes of conflict, strengthening **national justice systems**, fostering a fair and effective administration of justice and promoting remedies for past violations. EU's role in supporting human rights-based and gender responsive justice globally and in line with Do No Harm principles and conflict sensitivity.
- Transitional justice contributes to prevention by addressing holistically the causes and consequences of serious human rights violations and abuses and systemic injustices. It aims not only at ending impunity, but also providing recognition and redress to victims; fostering trust; strengthening the rule of law; and contributing to reconciliation. Common challenges to prevention and the need for transformational changes across society.
- The role of CSOs, victims groups, HRDs, media and social media in advancing and promoting effective justice systems, access to justice and diverse reconciliation initiatives to prevent impunity and ensure accountability.

Pillar II: Civil society actors in crisis and conflict situations

These sessions will focus on contexts of conflict and crisis and the injustices experienced by victims of serious human rights violations and core international crimes. Discussions will also look at how to tackle and prevent actions by State and non-State actors to delegitimise, criminalise or launch smear campaigns targeting justice activists and human rights defenders in conflict and crisis settings. Its urgency is particularly salient in Ukraine, Syria, Yemen, Myanmar, DRC, Ethiopia for instance.

Key aspects to be discussed:

- How to support CSOs and HRDs to advocate for justice and to document violations for possible use in different advocacy, justice and accountability processes, whether to assist prosecutions, reparations, truth seeking, truth telling proceedings, or in reconstruction and re-institutionalization processes to be implemented at the domestic or international level, in gender-sensitive ways that respond to victims' rights, strengthen the rule of law, and contribute to peaceful resolution and peacebuilding.
- Global support to the protection and assistance of HRDs and CSOs (including survivors and families of victims) in conflict situations, including the safeguards needed to continue carrying out their work effectively, psychosocial support, and countering narratives that aim to delegitimize their work.
- How States can and should prioritise developing appropriate and effective public policies for the protection of HRDs in conflict or post-conflict settings, and the EU's role in promoting such legislation and policies. Prevention should include measures to strengthen civil society and to increase its autonomy, including repealing laws that limit civic space, establishing platforms, coalitions or networks, creating forums and fostering an enabling environment.
- Identification of specific victims-centred approach including practical support to LGBTI victims of violence and rights violations in country or in exile specific angles such as sexual, gender-based and reproductive violence and rights violations in conflict and crisis; role of youth activists in contribution to ensure accountability and the fight against impunity.

Pillar III: International accountability mechanisms

The range of international accountability mechanisms includes the International Criminal Court, the judicial pillar of the Rome Statute system. When it comes to state responsibility for international crimes it may also incorporate the International Court of Justice and regional human rights systems in Europe, Latin America and Africa. Specialised tribunals, hybrid mechanisms and courts and the Office of the United Nations High Commissioner for Human Rights (OHCHR) also play a key role in defending the rule of law and accountability for human rights violations and abuses, and violations of international humanitarian law and international crimes. The OHCHR supports among others the work of the United Nations human rights mechanisms, including the treaty bodies established to monitor State Parties' compliance with the core international human rights treaties, the special procedures of the Human Rights Council and other mechanisms aimed at establishing the truth or contributing to individual criminal responsibility processes, like commissions of inquiry, fact-finding missions and any other investigative and monitoring mechanism established by the Human Rights Council.

However, challenges related to the long-term financial resources and political will to support impartial and independent justice remain. This can lead to perceptions of selectivity in the delivery of justice, undermining the credibility of the international justice system.

This pillar will provide a space to look at existing accountability mechanisms and how their work could be facilitated, including how to ensure equal access to the law, using best practices and innovative approaches to accountability.

Key aspects to be discussed:

- How to support the different accountability mechanisms, from the ICC and OHCHR, such as the IIM Syria, the IIM Myanmar and Commissions of Inquiry.
- Exchange of experience between CSOs and EU actors working in situations under investigation or preliminary examination before the ICC (currently 20 situations across 17 countries).
- Role of CSOs and the EU in contributing to these mechanisms through monitoring and collection of information, litigation, advocacy, as well as ensuring financial and political support for equal access to the law and protection of HRDs.
- Approaches to **universal jurisdiction and experiences from EU Member States**.
- Exchange of best practices, lessons learned and challenges, from various regions (Guatemala, Central African Republic, South Sudan, Palestine and other contexts).

Participants:

Full list of participants and panelists to be agreed by the co-organisers (with input from EU Delegations). Around 200 participants, among which, in addition to civil society representatives and human rights defenders in particular from conflict and crisis areas: HR/VP, Commissioner Urpilainen, EUSR for Human Rights, HRDN members, MEPs, Member States Representatives, UN experts (e.g. UN Special Rapporteurs and members of Accountability Mechanism), ICC representatives, national authorities, and universal/regional human rights architecture.

The event platform will be regularly updated at: <https://www.eu-ngoforum2022.eu/>

Background docs

15th EU – NGO Forum: Accountability Brussels 5-6 December 2013

Concept note: <http://www.15th-ngo-forum.igo.sk/downloads/Agenda%2015th%20EU-NGO%20Forum.pdf>

Agenda : [http://www.15th-ngo-forum.igo.sk/downloads/Concept%20Note%20FORUM%20\(A+B%20sections\).pdf](http://www.15th-ngo-forum.igo.sk/downloads/Concept%20Note%20FORUM%20(A+B%20sections).pdf)