

EU-NGO FORUM ON HUMAN RIGHTS

14-15 December 2022



**STOP
IMPUNITY**
THE ROAD
TO ACCOUNTABILITY
AND JUSTICE

FINAL REPORT

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HRDN
Human Rights &
Democracy
Network

This document should not be considered as representative of the European Commission's official position.

The 24th EU-NGO Human Rights Forum was envisioned and organized by its Coordination Group, which met regularly over several months to organize the event: Elizabete Aunina, Samantha Chaitkin and Jonathan Van Meerbeeck from DG INTPA Unit G.1.; Ivo Apostolov, Raphael Warolin and Luca Venchiarutti from EEAS VMR3; and Catherine Absalom, Kerstin Reemtsma, Emily Humphreys, Alice Autin, Virginie Amato, Santa Falasca and Tommaso Nodari from HRDN and its member organizations. The Coordination Group was supported by the team from TIPIK Communication Agency, managed by Irina Ilie and Larissa Tirlé. The Group also received contributions from an extended group of voluntary representatives from organising entities taking part in the thematic groups, defining the agenda and content of the sessions. Contact: INTPA-G1@ec.europa.eu

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Acronyms

CSDP	Common Security and Defence Policy of the European Union
CSO	civil society organisation
DG INTPA	Directorate General for International Partnerships (European Commission)
EC	European Commission
EEAS	European External Action Service
EU	European Union
FIDH	International Federation for Human Rights
FPI	Service for Foreign Policy Instruments at the European Commission
GBV	gender based violence
HRD	human rights defender
HRDN	Human Rights and Democracy Network
ICC	International Criminal Court
ICTY	International Criminal Tribunal for the Former Yugoslavia
IIIM Syria	International, Impartial and Independent Mechanism for Syria of the United Nations
NGO	non-governmental organisation
HR/VP	High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission
OHCHR	United Nations High Commissioner for Human Rights
SGBV	sexual and gender-based violence
SRHR	sexual and reproductive health and rights
TJ	transitional justice
UN	United Nations

Executive Summary

The 24th annual EU-NGO Forum on Human Rights with its central theme “**Stop impunity: the road to accountability and justice**” took place on 14 and 15 December 2022. Following two years of virtual forums due to the global COVID-19 pandemic, the 24th edition took place in Brussels, Belgium while offering live-streamed plenary sessions. In total over 250 in-person participants and speakers – human rights defenders (HRD), victims and activists, experts, academics and representatives from international organisations, EU Member States, and European Union institutions – discussed human rights in crisis and conflict. In 16 different sessions ranging from plenary discussions to small thematic and regional group open forum exchanges, the participants shared their testimonies and experiences while exchanging on best practices and challenges in the common fight against impunity and towards justice. The full agenda, concept notes and recorded live-streamed plenary sessions are available on the Forum’s online [platform](#).

The Forum acknowledged that civil society organizations (CSO) and HRDs working in conflict and crisis situations have specific protection needs and that appropriate and effective public policies should be in place to protect CSO and HRDs, including women human rights defenders.

Participants shared a general consensus on the European Union’s key role in stopping impunity and called for the Union to keep championing human rights and supporting human rights defenders, particularly in countries where civic space is shrinking. Many participants urged the EU to continue support fight against impunity around the globe both financially and diplomatically, and strengthening the role of international criminal justice and other accountability mechanisms.

Some key takeaways include the following:

- There is a need for the EU to reinforce its **normative role and condition human rights in conflict and crisis** in partner countries as part of Union’s other activities, in particular where new legislation and restrictions are endangering civic space and human rights work. The EU must ensure its coherence when dealing with authoritarian regimes, using various tools when raising its voice in favour of human rights and human rights defenders.
- The EU is perceived as global leader in **Human Rights Defenders’ protection**. It should strengthen its policies and tools to protect HRDs. While some policies are very effective (trial monitoring, public diplomacy, emergency funding through ProtectDefenders.eu) HRDs as well as independent justice operators still face many threats. Many participants called for the EU to use all its tools including sanctions and trade policies as leverage against governments cracking down on civic space. Some pleas called for the EU to support HRDs and independent justice operators in exile, and to ensure that HRDs and CSOs are involved in relevant peace mediation efforts and transitional justice processes. Many HRDs called for EU member States to provide more visas for HRDs at risk, when they need to flee conflict. The EU highlight-

ed its new financial envelope of 30 million euros for the next phase of the ProtectDefenders.eu mechanism for 2022-2027.

- On the **digital** front, during the forum, participants underscored the positive role that technologies can play in documenting serious human rights violations and war crimes. However, technologies can also be used to threaten and attack CSOs. Many HRDs called for the EU to keep paying attention to online digital space, including by requesting from governments to repeal internet shutdowns and to stop any kind of digital surveillance. The EU could be an essential actor in calling private sector actors to protect HRDs online. Digitalisation also has risks that can seriously undermine the work of HRDs and justice actors, as also stipulated in the recent speech of the High Commissioner for Human Rights: <https://www.ohchr.org/en/statements/2023/02/high-commissioner-turk-urges-human-rights-council-rekindle-spirit-impulse-and>
- The EU takes a **victim and survivor-centred approach** in the fight against impunity. It should therefore keep supporting victims' participation in broader transitional justice processes through advocacy and programmes. This requires systematic consultations with victims in addressing the root causes of impunity, including discrimination and exclusion, as well as putting guarantees in place to prevent recurrence.
- Building the **capacity and independence of justice** actors can help advance victim-sensitive approaches and a more effective approach in fighting impunity.

Overview

Introduction

The current war against Ukraine and the Taliban's 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, and in their work to protect human rights, support victims, document violations and gather evidence. Civil Society Organisations, including human rights defenders (HRDs), have historically been central in the establishment of an international justice system, and up to this day play an essential role in monitoring, documenting and bringing international attention to serious human rights violations and core international crimes, and to reaching and supporting victims, their families and their support systems directly. They are key to fighting impunity through legal and technical efforts in local, national and international justice instances.

The **EU-NGO Forum** on Human Rights (the EU-NGO Forum) is an annual event organised jointly by the European Commission (DG INTPA), the European External Action Service (EEAS), and the Human Rights and Democracy Network (HRDN). It brings together human rights defenders and activists from around the world, experts and academics, international organisations, notably the United Nations, and representatives of EU Member States and European institutions.

After two years of virtual forums, this year's Forum took place again in-person in Brussels. Dedicated to the theme "**Stop impunity: the road to accountability and justice**", the aim of the 24th EU-NGO Forum was to canvass a broad range of views and experiences in fighting against impunity for justice and to inform the EU's action in ensuring accountability, improving access to justice and protection of HRDs. This year's Forum also aimed to reflect on the EU, its member states and civil society's contributions to strengthening the role of international criminal justice and other accountability mechanisms.

This report aims to offer an insight into the two days of discussions and to outline the main recommendations from Forum participants. This year's discussions focused on three pillars particularly relevant in the common fight for accountability and justice:

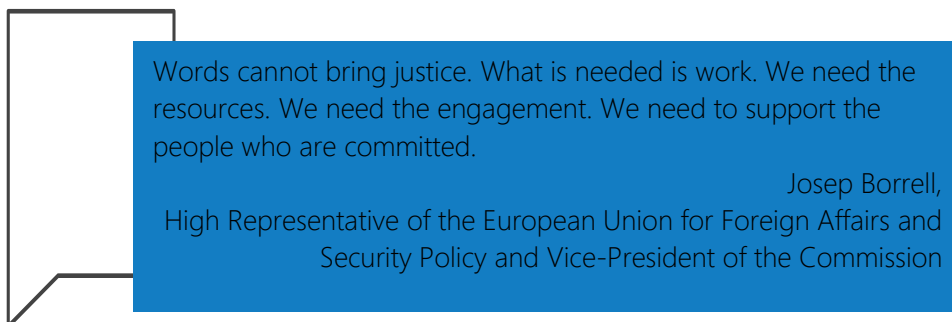
- Preventing Impunity – ensuring accountability and justice;
- Civil society actors in crisis and conflict situations;
- International accountability mechanisms

The agenda of the Forum was designed to provide opportunities for participants from different regions of the world to engage and exchange actively. It comprised two full days of discussions taking place on 14 and 15 December. Each day began with a scene-setting plenary panel, followed by a main thematic panel discussion for

each of the three thematic pillars. Interactive afternoon sessions complemented the panel discussions – the thematic Open Forum on 14 December and the regional interactive sessions on 15 December. The discussions of the thematic Open Forum have been reflected upon in this report. Two information sessions were organised in the margins of the Forum by Protect Defenders.eu, providing practical information on their protection programmes for HRDs at risk. On the last day, the Forum closed with a plenary report-back on the three thematic pillars. The closing report-back can be viewed on the [Forum platform](#) along with the other recorded plenary sessions. The final agenda is also attached to this report as Annex 1.

The keynote speech and the opening plenary panel

The Forum opened in the morning of 14 December with a keynote speech delivered by **Josep Borrell**, High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the Commission (HR/VP). The HR/VP was introduced to the audience by **Eamon Gilmore**, EU Special Representative for Human Rights. In his **keynote speech**¹, Mr Borrell welcomed the participants to the Forum, and reflected on the state of human rights around the world looking at the past three years since the Forum participants last met in person. He confirmed the EU's budgetary commitments to support human rights defenders, civil society, and to stand with the International Criminal Court in defending its independence and providing funding for its work. While the EU is leading in these efforts, the HR/VP reinforced that the EU needs to do more. He represented the new Global Observatory on the Fight against Impunity, which with a budgetary allocation of 20 million will gather information and build knowledge about genocide, crimes against humanity and other serious human rights violations.



The keynote speech was followed by a scene-setting plenary session, which brought together **Belen Martinez Carbonell**, Managing Director for Global Agenda and Multilateral Relations at EEAS, **Karim Khan KC**, Prosecutor at the International Criminal Court, **Oscar Parra-Vera**, Justice at the Special Jurisdiction for Peace in Colombia, **Shaharзад Akbar**, Executive Director of NGO Rawadari, and **Tetiana Pechonchyk**, Head of Board at ZMINA Human Rights Centre in Ukraine.

Belen Martinez Carbonell, commended human rights defenders, lawyers, journalists, and academics who lead the call for justice, at times with great danger to their own safety. She stressed that the European Union has articulated a policy on the framework on accountability and it is enshrined in the Action Plan for Human Rights

¹ [Human Rights: Opening speech by High Representative/Vice-President Josep Borrell at the 24th EU-NGO Forum on Human Rights | EEAS Website \(europa.eu\)](#)

and Democracy 2020-2024. This Action Plan sets out concrete activities to reinforce the EU's commitment to human rights defenders and civil society.

The Prosecutor at the International Criminal Court, **Karim Khan KC**, focused on the importance of partnerships with civil society in the common work to achieve accountability for international crimes. The recently published [practical guidelines to civil society on documenting and preserving information on international crimes](#), as co-published with Eurojust, are an example of that. He took the opportunity to commend the EU on its support to the ICC, including budgetary support for the Trust Fund for Advanced Technology and Specialized Capacity at a time when institutions face hard budgetary restrictions.

Oscar Parra-Vera spoke about the Special Jurisdiction for Peace, which since 2018 combines the efforts to find justice for victims and achieve political settlement for the 50-year armed conflict in **Colombia**. It is an integral system of transitional justice for the hundreds of thousands of victims of extrajudicial killings, kidnapping, and forced displacement among other international crimes. It has seen 11 mega cases, where a mega case involves more than 20 000 kidnappings. He reflected that in the context of restorative justice the critical issue is the participation of victims. He reaffirmed that the dialogue between victims and perpetrators construct a road for public recognitions and acknowledgement of responsibilities. This year alone the Special Jurisdiction for Peace has performed three public hearings between victims and perpetrators.

Representatives of the human rights organisations reported on their experiences recalling the particularly difficult contexts in conflict areas of both Afghanistan and Ukraine.

Shaharзад Akbar, spoke about the long-standing conflict in **Afghanistan** and the prevailing culture of impunity, without the space for victims and perpetrators to come out with their truth and to seek accountability and justice. She reflected on the lack of political will on part of the international community or Afghan government to prioritize accountability and justice. For victims to experience justice the following needs to concur: i) well resourced, transparent and politically supported institutions; ii) a legal framework; and iii) an independent and well-resourced civil society to hold institutions accountable. In the past there has been one success – the work done around memorialization, which brought in the room victims from different parts of the countries from different communities to sit together and recognize the shared pain.

Tetiana Pechonchyk, spoke about four challenges civil society faces when speaking about justice and fight against impunity with regard to all atrocities committed in the course of Russian armed aggression. First, the scope of atrocities committed in Ukraine since 2014 and securing adequate resources to document and investigate such a number of war crimes. Furthermore, time and the gaps in international justice system. The ICC investigates in **Ukraine** for war crimes, crimes against humanity and the crime of genocide, but not the crime of aggression. She stressed that the very fact of Russia's unprovoked attack on Ukraine is the source of all other crimes. And lastly the gaps at national level in Ukraine. Ukraine has still not ratified the Rome statute of the ICC.

The welcome speech and the plenary panel on day 2

The Forum opened for the second day in the morning of 15 December with a welcome speech delivered **Eamon Gilmore**, EU Special Representative for Human Rights. He reflected in his address on how the many human rights and humanitarian crises in the world today, can feel overwhelming, when impunity remains so prevalent.

In recounting EU's commitments to the ICC, the EU Action Plan on Human Rights and Democracy, and the new EU Global Human Rights Sanctions regime, he shared his hope that the new age of accountability is coming.

The welcome speech was followed by a plenary session on **The role of human rights defenders (HRDs) and victims in stopping impunity**, where HRDs exchanged on their experiences in fighting impunity and defending civic space with EU and UN experts. The high-level panel brought together **Nada Al-Nashif**, United Nations Deputy High Commissioner for Human Rights, **Chiara Adamo**, Acting Director Human Development Governance & Peace, European Commission, DG INTPA, **Alexander Cherkasov**, Chair of the human rights center Memorial in Russia, **Khaled Quzmar**, General Director at Defence for Children International in Palestine and **Drissa Traoré**, from the Mouvement ivoirien des droits humains in Ivory Coast. The panel was enriched by the video message delivered by **Vilma Núñez de Escorcía**, lawyer and human-rights activist from Nicaragua.

In her video message, **Vilma Núñez de Escorcía**, reflected on more than 355 murdered and thousands of persecuted and arbitrary imprisoned people, and more than 150 000 Nicaraguans having gone into exile since April 2018. Violence from different vigilante groups is prevalent, repression increases and the civic space is further eroded. She stressed that efforts including those by the international community must be geared towards advocating for the immediate release of 225 political prisoners condemned without any guarantees of due process.

Reflecting on the context of Sahel, **Drissa Traoré**, spoke about how HRDs are perceived as foreign agents of the western world, creating additional difficulties in continuing their work, where there is already neither the resources nor the safety for defenders to do their job. He commanded the success of maintaining a dialogue with the political authorities in Guinea which led to the opening of a trial, reflecting on the support by the European Union and the Foreign Ministry of France that contributed to the success.

Khaled Quzmar thanked for the opportunity to be present at the Forum saying that it feels like a dream to discuss these issues here, while knowing that upon returning, he and other human rights defenders remain at grave risk. He reflected on the designation of six Palestinian human rights organizations as contributing to putting them to risk, including subjecting to risks of prison sentences for up to 20 years. He acknowledged that hearing that the international community and especially the EU sees accountability as a priority is welcome and called for these actors to react.

In his intervention **Alexander Cherkasov**, also echoed other testimonies on how human rights defenders are called foreign agents, targeted in smear campaigns and arrested on trumped up charges. In a context of growing global impunity, Russia is no longer shy to even wage a war. There are no protection mechanisms in Russia, and while the European and international structures are very important in bringing attention to HRDs and their activities, they have also not brought justice.

Looking at the role of human rights defenders in fighting impunity from a global perspective, **Nada Al-Nashif** spoke about impunity as linked to unprecedented global inequalities – economic, social and cultural rights like access to water, energy and food are all being imperilled globally. Attention is necessary on all conflicts – one should not forget Myanmar, Afghanistan, the Sahel and South America. At the UN, they continue to do it by supporting the creation of platforms and opportunities to hear those voices and give them visibility. Protection of HRDs needs to respond to the needs of those particularly vulnerable and marginalized communities – women, youth, migrants, persons with disabilities, minorities, and on how to guarantee their inclusion in the quest for justice and accountability.

At the EU focus is on the operational side and what the EU can do to contribute in protecting HRDs and the incredible work they do daily, said **Chiara Adamo**. In the last seven years, the EU was able to individually protect 55 000 HRDs and their families. The EU is also redoubling efforts by doubling of the budget of its flagship programme, *Protectdefeders.eu* which will allow to support HRDs in a holistic way that would include relocation, legal, medical support amongst few. Prevention is another important aspect that the EU is focusing on. A new mechanism is being put forward for 50 million euros for early detection and monitoring of the environment for civil societies.

Pillar I: Preventing Impunity – ensuring accountability and justice

This thematic pillar of the Forum aimed to look at 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. During the two days, through both panel discussions and interactive Open Forum sessions, the speakers and participants looked at the value of justice, further examining accountability as being intrinsic to sustainable peace and development. It closely considered how transitional justice contributes to holistically address causes and consequences of serious human rights violations, abuses and systematic injustices and at 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.

Transitional Justice and the Prevention of conflict and abuse

The fight against impunity through the implementation of transitional justice processes, including truth seeking, redress and reforms, can help preventing recurrence of serious human rights violations and contribute to sustainable peace and developments. The first panel under this pillar, discussed policy and operational approaches to prevention, and presented practical examples of ongoing and past transitional justice processes and their contribution to prevention. The panel brought together human rights defenders, victims, experts and institutional actors who shared their experiences both personal and institutional on **Transitional Justice and the Prevention of conflict and abuse**.

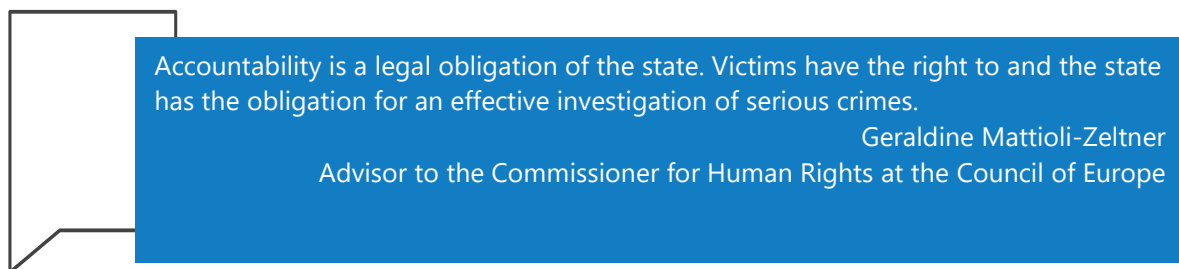
The session was moderated by the Executive Director of the International Center for Transitional Justice, **Fernando Travesi** who opened by reflecting on opportunities and challenges facing efforts to avoid the recurrence of violations, violence, and violent conflict. He remarked that transitional justice processes can enable inclusion through reparation, restitution and different justice processes; however, these can also be challenged by the lack of implementation, including on preventative aspects.

Gloria Gomez from Asfaddes shared her testimony as a relative of her two disappeared brothers in **Colombia**. Her fight for justice has continued for the past 40 years. She witnessed various attempts for peace, which have not in equal measure led to justice. A law passed in Colombia in the early 2000s recognized forced disappearances as a crime, linking them to other crimes such as torture and displacement - the first time Colombia heard about transitional justice and having the right to justice -, but victims have not been served real justice, leading to more impunity.

Peter M. Wagner, Director-Head of Service for Foreign Policy Instrument at the **European Commission**, recognised that addressing past grievances is key to building lasting peace. The EU more broadly has recognized this too, including in its policy and instruments. He presented that the EU has various instruments available and tackles elements both in immediate crises and also more broadly in conflict prevention as part of a wider state reform in addressing past grievances. The EU Facility on Transitional Justice allows to mobilise experts quickly. The Facility has supported, for instance, those archiving evidence of human rights violations in Iraq, supporting digitalisation of evidence. Another example is Ukraine where the EU supports rule of law and anti-corruption and the creation of spaces for dialogue to foster conversations on healing.

In her intervention **Stella Ndirangu** from Victim Advocates International in **Kenya**, reflected on the importance of civil society in holding governments accountable during TJ process. The 2007 elections in Kenya had led to large-scale conflict, destruction and violence and an external intervention by the African Union. To end the violence an agreement was reached to look at the legacies of the past, including the TJ commission tasked to look at elections and electoral process. She commended the EU on their support and providing seed funding to support these processes in 2008.

Geraldine Mattioli-Zeltner who represented the Commissioner for Human Rights at the **Council of Europe** added that the Commissioner stresses that accountability is a legal obligation of the state. Victims have the right to and the state has the obligation for an effective investigation of serious crimes. At the same time, accountability for serious crimes is not just retributive; it includes building pluralistic societies based on the rule of law too.



Following the panel discussion, participants during the Q&A highlighted the role of media as a critical partners in the fight against impunity. Participants shared that media objectivity when informing and covering TJ processes is very important, but also expressed criticism on the limited lifespan of any conflict coverage in media.

Integrating justice needs and victims' participation in the EU's responses

The second panel under this thematic pillar titled **Integrating justice needs and victims' participation in the EU's responses to crisis and conflicts, and post-conflict reconstruction** examined how important is the role and active participation of victims and survivors in decision making. While this role has been recalled in policy, such as the [EU Policy Framework on Support to Transitional Justice](#), in practice the voices of victims and survivors are regularly absent or ignored. The focus of this panel was to look at grassroots examples from different parts of the world, including Syria, Guatemala, Nepal and Kosovo, and provide ideas for change to policy makers in tackling impunity while integrating victim participation in policymaking.

Moderator **Marlies Stappers**, the Executive Director at Impunity Watch, opened the panel discussion by reflecting on the disconnect between decision-makers and the people on the ground. She called it a missed opportunity not to engage victims and survivors' activism in making the fight against impunity more effective.

Mariam Alhallak leads the Ceasar Families Association. She shared her personal story of seeking justice for her son who was tortured and killed in **Syria**. The raging conflict in Syria has been ongoing for 11 years and half a million families still do not know the fate of their loved ones. She called for the EU to amplify voices of the victims and their families to establish a mechanism on the disappeared.

Bekim Blakaj from Humanitarian Law Center **Kosovo**, reflected also on families who have not been served justice. He reflected that even while official justice-seeking mechanisms existed in ex-Yugoslavia, most victims have not seen justice. He recalled that in 24 years, the ICTY sentenced only 71 perpetrator for committing war crimes in ex-Yugoslavia. Divisive local context contributed to impunity and victims were mainly seen as beneficiaries of the process. Memorialisation has contributed to positive healing to break the divisions, He urged the EU to use its positive leverage to push on political level for these kind of transitional justice practices that have positive results.

In her intervention **Lucia Xiloj** from Bufete Juridico de Rabinal reflected on the role that women from indigenous communities played in **Guatemala's** transitional justice processes to bring change to systems of oppression and discrimination. The approach was a strategic one that sought to tackle these root causes of impunity through using documentation of gender crimes together with strategic litigation, as well as complementing this with more societal work that aimed to putting guarantees in place to prevent recurrence, e.g. psychological support, as well as strengthening movement building, advocacy and outreach. This grassroots work showed concrete successes in fighting impunity but is overshadowed today by a dismantling of the justice sector. Judges and other justice actors are forced into exile and the UN-backed anti-corruption commission that started looking into some of the systemic issues was expelled. Transitional justice today in Guatemala is in jeopardy as it has been stigmatized and lacks political and technical support, also by the international community.

In **Nepal** too the Truth and reconciliation commission failed to deliver justice, added **Ram Kumar Bhandari** from the Network of Families of the Disappeared. After the civil war, peace agreement and then transitional justice process, Nepal is still grappling with the legacy of conflicts. Today victims and survivors are challenging the top-down perspectives of transitional justice through grassroots movements that are working on memorialisation, socialisation and reclaiming space together with political actors. Victim mobilisation is integral to overcome socio-cultural stigmas and differences, as it highlights the importance of solidarity, and the need to acknowledge intersectional issues (such as different reparative needs that are dependent on factors such as gender, age etc.) in designing policy needs. The EU should support victim-led initiatives by integrating their voices in political action and on the multilateral level and step up its political advocacy to support the transitional justice process in Nepal.

The EU recognises the importance of integrating victims' perspectives in effectively addressing their needs. It adopts an approach tailored to the country, considers each case individually and takes into account the voices of victims in its actions, said **Brice de Schieterre**, Acting Director for Integrated Approach for Security and Peace Directorate at EEAS. The EU supports civil society with the EU Delegations being best suited to discuss individual needs. The EU is introducing conflict sensitivity in its trainings for staff and is in the process of developing a Human Rights Due Diligence Policy to limit any potential negative impact of its work. While financial support is important, the EU can also step up its political advocacy in key moments, integrate victims' demands, improve itself in providing solidarity with, and support to victims.



Good practices

Memorialisation practices contribute to creating empathy in divisive social contexts – authorities should see this as part of an effort toward reconciliation.

International solidarity networks are the driving forces in the fight against impunity. Strong messages for solidarity and inclusion can mobilise necessary assistance.

Local, regional or international victim networks allow victims to participate in justice processes by empowering them in power and giving them a sense of belonging.

Reparation processes need to be guided by the “3Ps”: Process, Participation and Partnership with victims.

Open Forum Discussions

In the afternoon of day 1, participants exchanged views in Open Forum interactive discussions. The interactive sessions facilitated direct interactions between HRDs and staff from EU institutions, while also fostering exchanges between HRDs working on similar issues both regionally and internationally. The discussants together with session moderators discussed topics relevant to the Pillar without the constraints of a panel format. These sessions gave a voice to HRDs from different regions, who offered invaluable accounts of their experiences and suggested possible strategies for the future.

Victim's Rights and participation in justice processes

Three roundtable discussions were held with human rights defenders, civil society organizations and staff from the EU institutions.

The first table with participants from Syria, Tunisia, Lebanon, Kenya and Sudan and moderated by Sarah Kasande, the Head of Office of ICTJ Uganda, exchanged on **meaningful participation of victims in justice processes**. The participants agreed that engaging victims in justice processes is crucial, so not to foster their position as service recipients or spectators. This engagement should be based on a multi-stakeholder victim-centered approach that should also consider cultural sensitivities and include understanding of local context and local needs. One of the main problems victims face in accessing and meaningfully participating in justice processes is the malfunctions of domestic justice systems where corruption and delays are rampant, as well as lack of resources and knowledge to file lawsuits. They reaffirmed that building victim's networks, alliances and institutions at local, regional and international level are needed and the focus should be on international level in particular.

The second table moderated by Patricia Bocchi from EEAS discussed **reparation programmes and how to meet different reparative needs**. Participants shared their experiences and good practices. They agreed that reparations should be guided by the “3Ps”: Process, Participation and Partnership with victims. Participants highlighted the need to follow a victim’s- centred approach (bottom up rather than top-down) when designing policies and providing support. They further agreed that victims should be engaged at all stages of the process, ensuring they are active participants in the justice processes. To this end, participants highlighted the need to ensure capacity-building at grass-root level, the use of joint advocacy messages, the acknowledgement of victims’ needs, and digitalisation of justice processes – to name a few.

Lastly, participants from Sri Lanka, Georgia, Ukraine, Kosovo, Guatemala and Bosnia and Herzegovina together with moderator Kerstin Reemtsma from PBI Guatemala, exchanged **on preventing deepening of trauma, social divisions and marginalisation in justice processes**. Discussants reaffirmed the importance of considering realistic timeframe for justice processes that recognizes victims’ experiences as something that can shift and change with time. To prevent re-traumatization in justice processes, when surveying victims’ experiences, gender, age and social environment should all be considered. Participants also agreed that victims have the right to information and that media has a role to play in it – to inform victims of legal path and to manage expectations. Training media on crisis-sensitivity and victim-centred approaches is still lacking.

Recommendations and the way forward

Through the two panel discussions and Open Forum interactive sessions participants formulated some key recommendations for the EU to:

- listen to the voices of victims and survivors, bolster these voices and integrate them in political action and consultations before decisions are taken or mechanisms established;
- include trauma-sensitivity training and psycho-social support for affected communities, victims and survivors, and justice professionals in its programmes;
- continue to provide expertise and technical support to institutions and victims groups;
- invest in transitional justice processes with enough resources to match the long-term process;
- continue to provide expertise and technical support to institutions and victim groups integrating their needs and aspirations through a participatory process; involve victims continuously, from the onset to evaluation of justice processes. Ensure victim-led organisations, initiatives, and institutions are supported (not just CSOs).
- build the capacity and independence of justice actors to help advance victim-sensitive approaches and a more effective approach in the fight against impunity;
- continue to invest in capacity-building of national institutions, civil society and victims;
- use its positive leverage on governments and include tackling impunity, and participation of victims in transitional justice processes and reparations programmes, as a conditionality in EU’s external relations;
- consistently address the shrinking civic space as a foreign policy priority, including through actively supporting and protecting HRDs and justice actors that work on combating impunity.

Pillar II: Civil society actors in crisis and conflict situations

Civil society actors, organization and human rights defenders hold an instrumental role in crisis and conflict situations around the world. In looking at various first-hand experiences from around the world, panel discussions under this thematic pillar focused on contexts of crisis and injustices experienced by victims of serious human rights violations and core international crimes. Through three panel discussions, panellists reflected on ways to support different advocacy, justice and accountability processes, ways to tackle and prevent smear campaigns targeting justice activists and human rights defenders. Furthermore, thematic panel discussions looked at global support to the protection and assistance of HRDs and CSOs, and how state can prioritise developing appropriate and effective public policies for the protection of HRDs and CSOs in conflict or post-conflict settings.

Gender in conflict and crisis: rehabilitation, reparations and accountability

Women and girls particularly face an increased risk of sexual and gender-based violence and reproductive rights violations in crisis and conflict situations. During a panel discussion on **Gender in conflict and crisis: rehabilitation, reparations and accountability**, the panellists discussed ways to fill the existing gap between the rights of survivors of conflict-related sexual violence and their access to reparations. The panel, which was moderated by **Leah Hctor**, Senior Director for Europe at the Center for Reproductive Rights also touched upon the challenges faced by human rights defenders providing support to victims and responding to these violations.

Human rights defenders opened the panel by sharing their local contexts and experiences. **Anny Modi**, Director at AFIA MAMA NGO of the **Democratic Republic of Congo** shared her reflections on what she sees as the key elements for survivors' access to justice, e.g., holistic support that includes medical and psychological support, socioeconomic insertion and access to justice. Sharing her experience from Colombia, **Adriana Benjumea**, the Executive Director of HUMANAS, added that women and sexual and gender-based violence (SGBV) survivors often have to be forceful in their advocacy. As a result, in **Colombia**, advocacy efforts resulted in a victory, with the Colombian justice model now being seen as the pioneering model in including accountability for SGBV crimes.

Even before seeking reparations and accountability, women in crisis and conflict face other challenges. **Krystyna Kacpura**, President of Foundation for Women and Family Planning, presented the challenges that **Ukrainian**

refugee women face in Poland. Eighty percent of the millions of Ukrainian refugees in Poland are women and adolescents. In Poland, the SGBV victims lack access to health services and access to abortion is restricted. Access to health services needs to be achieved through the support of local NGOs. At the moment psychosocial support to survivors is not prioritized.

The EU representative - **Christina Kokkinakis**, Deputy managing Director for Global and Multilateral issues at EEAS, reaffirmed that EU recognizes the disproportionate effect conflicts have on women and girls globally and that accountability is key to countering SGBV. [The Council conclusions on women, peace and security](#) adopted in November include strong comments to respond to SGBV and provide survivors with needed support, including on SRHR. She reaffirmed that the EU will continue to view intersectionality as key and work with various international actors, including UN committees, and the Human Rights Council. She underscored that the EU will continue to implement gender-based approaches in their training through its various CSDP missions globally.

Maya Shah, Director of Operations at the Global Survivors Fund highlighted that in a recent [Global Reparations Study](#), the organisation, looked at opportunities for accountability and reparations for **survivors** in over 20 countries. Drawing from her global experience, she added that the recurrent demands and request from survivors are the following: recognition of the harms done; healthcare including psychosocial support, support for their children regardless if they are born of rape or not, education for themselves and their children and (economic) compensation. Reparations process should be co-created together with survivors throughout the entire process.

Globally, women HRDs, and particularly those working on SGBV, are in danger because they face an enhanced level of risk and threats, including sexual violence. They have different protection needs than men do. The panel affirmed that women are still not fully included in existing reparations processes .

Challenges and best practices of documentation

Through documenting in conflict and crisis situations, CSOs and HRDs play a critical role in protecting communities and democratic institutions, calling on authorities for compliance and holding perpetrators to account. HRDs have a key role in denouncing serious human rights violations, violations of international humanitarian law and international crimes, including for criminal accountability purposes. They are often the first and only responders present during or right after violations and serious human rights violations or international crimes are committed. During the panel discussion on **Challenges and best practices of documentation**, panellists exchanged on their experiences with practical challenges in gathering information and evidence while sharing stories for advocacy and criminal accountability. The session was moderated by **Rupert Skilbeck**, the Director of the NGO Redress.

Hassan Bility, from the Global Justice and Research Project, drew from his extensive experience documenting war related crimes presented in courtrooms in the United States, Sierra Leone and The Hague. He stressed that training for CSOs, individuals and the judiciary is essential as documentation work needs to meet minimum international criminal standards for prosecution.

Head of the International, Impartial and Independent Mechanism for Syria, **Catherine Marchi Uhel**, echoed that one of the main challenges for documentation efforts is to ensure that the work carried out can be used if the ICC or another international tribunal is activated, while not knowing when or where trials may take place.

The documentation work has changed in digital era too with teams training and working with open-source information available from crisis and conflict zones through internet. A representative who wished to remain anonymous, from **Mnemonic**, an NGO that collects and archives open source digital information in Syria, Yemen, Sudan, Belarus and Ukraine, confirmed that open source information represents a very significant part of the sources used in documenting conflicts. Open source information, which is publicly available on social media and across the internet gives plethora of information, but it presents some challenges requiring timely archiving to prevent loss and verification. Given the proliferation of fake news, or “deep fakes”, for verification of open source information, like videos, it is essential to have chain of custody which is not always available.

A human rights defender from **Philippines**, who preferred to stay anonymous, reflected on the importance of a holistic approach to documentation. This includes collecting, presenting legal remedies but ultimately leaving the victim or the legal guarding to choose the course of action.

This discussion on documentation reaffirmed that documentation in conflict should be seen as a process. **Elisabeth Baumgartner**, is a key expert of the Facility on Justice in Conflict and Transition, which is managed by the European Commission and provides technical support to mechanisms of transitional justice, . She indicated that beyond criminal trial purposes, documentation is also important in contexts where criminal justice is likely to be limited. The Facility works on documentation while also linking it more broadly to truth seeking processes, community reconciliation, to arts and culture, and memorization.

Through an open exchange with the audience, the panel also made evident the importance of victim’s consent in documentation efforts. Informed consent with clear pathways to withdraw it are crucial, including for children in context where adults give consent on behalf of minors. Where challenges such as large rates of illiteracy exist, verbal communication in local dialects and languages is essential, and consent can be filmed. Adapting to shifts in documentation practices is also necessary, and while informed consent is important, it can be challenging in open source documentation where the author or victim may not be known or reachable.

Panellists also discussed the importance of a victim-centred approach as crucial in their work. **Catherine Marchi Uhel** sees that survivors are the primary benefactors of the work at the UN IJMM. Victim-centred approach needs to be pursued, by direct exchange with the victims, seeking their perspectives, recognizing their priorities and the barriers they face in accessing justice. **Elisabeth Baumgartner** echoed that victim/survivor-centred approach also includes viewing the larger picture and recognizing the importance of community reconciliation and truth seeking, without focusing on a specific event.

Protection of human rights defenders fighting impunity in conflicts and crises

Autocratic regimes around the world have continued to adopt restrictive legislations and administrative measures that have accelerated global trends of shrinking civic space. Civil society and HRDs are primary targets of judicial harassment, smear campaigns and other attacks. These can affect their physical and psychological health, making their work in advocating for justice and representing and supporting victims ever more challenging. At a panel on “**Protection of human rights defenders fighting impunity in conflicts and crises**” with participation of HRDs and experts from the UN and the EU, panellists delved into the effects of conflict and crisis on the crucial work of civil society and HRDs.

The session was moderated by **Emily Humphreys** from Protection International and it opened with testimonies of human rights defenders from Libya, Belarus and Bangladesh.

Human rights defender who wished to remain anonymous commented on the situation in **Libya** post-uprising., Libya saw civic space opening shortly after the uprising. It was short-lived with successive attempts from the government to pass measures restricting civil society's work in Libya, like Decree 286, which should be repealed. The HRD called for the EU to make repealing a condition when engaging with the Government of National Unity.

Pavel Sapelko, from Human Rights Center Viasna, offered a sceptical view on international organisations facing authoritarian regimes. Authoritarian regimes continue to exist and take measures against HRDs and CSOs without any repercussions to their actions. In **Belarus**, the hostile environment and crackdown on civil society has been draconian, going as far as assassinations of activists. It is his belief that the current system of international relations and justice must be fully reformed to more effectively deter authoritarian regimes.

Adilur Rahman Khan, Secretary of Odhikar, shared reflections on the situation in **Bangladesh**, where authorities are persecuting activists for documenting human rights violations by cancelling their registrations, freezing bank accounts and making arrests. In his opinion, despite the calls to uphold human rights, the EU and its Member States are selectively collaborating with the Bangladeshi authorities on economic matters while putting aside the government's dire human rights record.

The representative from the EU - **Luisa Ragher** (Head of Human Rights Division, EEAS) pointed out that diplomats are committed to the protection of HRDs, and that both policies and protection mechanisms exist. The EU supports HRDs in observing trials, visiting prisons (when it is allowed), giving visibility to HRDs when it helps for instance through statements or public campaigns; or, by contrast, by holding discussions with them in safe spaces and raising their cases with the authorities in private. She emphasized that the EU is committed to redoubling its efforts to protect HRDs in conflict and crises and is very conscious of the need for long-term support. She mentioned the new financial envelope of the EU flagship initiative 'ProtectDefenders.eu' (30 million euros for 2022-2027) that will allow for the EU to keep supporting HRDs at risk in a flexible way. Ms. Ragher highlighted that while some conflicts are forgotten from the media attention, the EU on the ground is involved all around the globe in peace and mediation efforts, and humanitarian relief. In addressing the criticism expressed during the panel, she argued that international community is doing a lot through mechanisms that have been developed but that solutions are not always straightforward or in a speed that some situations require.

Michel Forst, former UN Special Rapporteur on the situation of human rights defenders and current Special Rapporteur on environmental defenders of the Aarhus Convention, took the opportunity to give details about his mandate and reflect on the importance of quiet diplomacy. As part of his mandate, he writes letters of allegations to states, that are made public if the state does not reply within six days; travels to countries to investigate and report to the United Nations Assembly; monitors trials of environmental HRDs and continue to use quiet diplomacy. He asked civil society organisations to raise awareness of this new mandate and the possibilities it can offer to environmental human rights defenders around the world.



Good practices

Survivors of conflict-related sexual violence should benefit from an integrated, holistic approach that includes medical and psychological support, socioeconomic insertion and access to justice

The [Global Reparations Study](#) by the Global Survivors Fund is a global study on reparations for survivors of conflict-related sexual violence, examining the status and opportunities for reparations for survivors in over 20 countries.

Documentation efforts include Open source investigation, field documents, victims and witness statements and police records. Documentation process is complex and donors should not impose unrealistic expectations on civil society.

Open Forum Discussions

In the afternoon of day 1, participants exchanged views in Open Forum interactive discussions. The interactive sessions facilitated direct interactions between HRDs and staff from EU institutions, while also fostering exchanges between HRDs working on similar issues both regionally and internationally. The discussants together with session moderators discussed topics relevant to the Pillar without the constraints of a panel format. These sessions gave a voice to HRDs from different regions, who offered invaluable accounts of their experiences and suggested possible strategies for the future.

Gender justice and women's rights in conflicts and crisis

The role of women human rights defenders and women peacebuilders, as well as of youth, in the prevention, mediation and resolution of conflicts is paramount to achieving effective long-term sustainable peace. This year's EU-NGO forum held 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.

At the tables on **preventing and combatting gender-based violence (GBV) in conflict and crisis** and **strengthening women's effective participation in justice processes**, moderated by Rikke Linding Fredberg from DG ECHO, participants agreed that GBV in conflict is increasing around the world, sexual violence is used as a weapon and crimes against women continue to be excluded from peace agreements. HRDs reiterated that women are still only given voices as victims to testify about their experiences, but they are not given the space to be mediators or opinion-makers, and are being deprived of any real participation in justice processes even where it directly affects their experiences. Discussants agreed that there is a lack of monitoring on implementation of internation-

al treaties. I.e. 1325 UN Resolution on women, peace and security, national action plans, or the Maputo Protocol, are signed by many countries. Yet there is no accountability for non-implementation.

At the Open forum table on **Gender sensitive justice approaches and promoting the agency of victims**, HRDs agreed that women's involvement remains tokenistic in peace and mediation processes as well as justice and reconciliation processes. Rethinking inclusivity in addressing conflict and crisis with an intersectional lens is necessary. Participants agreed interventions are required to: i) reinforce the assistance to women, who don't expose their experiences because of public shaming and the backlash they experience; ii) increase awareness and literacy of women in knowing their rights, and breaking the silence; and iii) address the lack of capacity and tools on data collection, storing and analysis for a fast production of statistics.

Documentation and raising awareness

At the discussion table on **Art as a tool to raise awareness in times of conflict**, moderated by the NGO Human Rights in the Picture, participants reflected on activism, which focuses on healing attributed to art where both victims and survivors can find solace and undertake healing. Nadja Houben from Human Rights in the Picture initiated the discussion by sharing how the creation of [Visual Rebellion](#) first as a film that gathered a group of journalists to showcase events in Myanmar in 2021 then spawned into a wider collective. Discussants exchanged on how art is a powerful tool while its outreach in conflict remains by far unquestioned. Participants shared the positive impacts of activism while reflecting that the volatile nature of art presents difficulties to activism as a tool of awareness-raising, as it is difficult to frame in terms of results on its impact.

At the table on **the use of documentation works in truth commissions and criminal trials** moderated by NGO Mnemonic, participants exchanged on their experiences, particularly from Kosovo, Belarus and Ukraine among others. Discussants agreed that international standards such as Istanbul protocol for documentation of victims of torture, which sets higher level of standards than required in domestic systems, should not be abused to refuse admissibility. Discussants further exchanged on how use of documentation in itself is an awareness raising tool as it shows the world what is happening and puts the conflict on global radar.

The role of HRDs and CSOs in countering impunity

The table discussing **role and meaningful participation of CSOs and HRDs in justice efforts** was moderated by Virginie Amato from the Coalition for the International Criminal Court. With numerous human rights legal practitioners at the table, they agreed that HRDs and lawyers alike see the civic space shrinking because of precarious draconian laws. They urged international organizations and the EU to take action against states that restrict or ban CSOs. Reflecting on their participation in this Forum, participants agreed that similarities between countries in conflict should be recognized and exchanges of experiences facilitated between CSOs from different conflict and crisis areas as well as for justice actors in general. Focus on such an approach would also allow the HRDs to strategically communicate their work and protection challenges, which often lacks public attention.

At the open discussion table on **advocacy for justice in the digital age**, human rights defenders shared both their challenges and positive experiences with their work in digital age. Increasingly governments are enacting cybersecurity laws to restrict civic space and limit HRDs scope of action, furthermore, HRDs are being imprisoned due to authoritarian use of surveillance technology and spyware that is often purchased from private companies based in Europe. Internet shutdowns, including targeted shutdowns against HRDs are spreading. At the same time, private companies like Google and others create security risks for HRDs too by complying with govern-

ments' requests to share data, leading to data privacy breaches. Discussants agreed that in some case the risks that digital tools create outweigh their benefits especially as there is still lack of awareness among HRDs on basic security measures. Participants did recognize digital positives too, naming a few; e.g., it has simplified work for HRDs working in exile to keep their activities and created benefits that arise from sharing and transmitting information quickly in crisis situations. The EU is already funding digital security trainings for CSOs, but HRDs made a plea for an increase in trainings/funds.

Recommendations and the way forward

The panellists of the two discussions and Open Forum shared some key recommendations for the EU to:

- + facilitate more experience exchanges between CSOs from different conflict and crisis areas, but equally support regional and localized solidarity networks for HRDs;
- + condition funding to governments which respect human rights. Use all EU leverages available including sanctions and trade
- + Involve HRDs and CSOs in peace mediation efforts, transitional justice processes. Ensure that accountability mechanisms liaise and consult regularly HRDs.
- + Ensure consistent funding for CSOs, including those facing difficulties/restrictive laws, such as NGOs labelled as "foreign agents".
- + to recognize that to go through reparations process survivors need safety, access to health care, economic support;
- + support to HRD protection to extend to HRDs in exile too;
- + use its positive leverage on governments and include tackling impunity as a conditionality in its relations;
- + when the EU is engaging in political process the inclusion of women in that process must be made a condition;
- + recognize that women HRDs often face additional burdens from their work - such as family responsibilities, threats to their children – and they require different protection needs;
- + special access to reproductive services for sexual violence survivors is needed, the EU and other multilateral organizations should support CSOs in their advocacy for special procedures to expedite administrative and legal processes;
- + ensure women's equal and meaningful participation by monitoring the implementation of international treaties and documents to which countries have signed onto;
- + strengthen accountability for GBV and prevent GBV by addressing holistically all forms of GBV in conflict; defining the different types of GBV in legislation, policies and strategies.
- + consider long term capacity building exercises in the form of mentorship as opposed to 1-2 days workshops;

Specific recommendations to the EU on digital included to:

- + include open source investigations and data in calls for proposals on documentation of international crimes, also integrate it into the Digital Services Act;
- + foster discussions between major social media platforms and tech companies with HRDs, to discuss how to improve HRDs protection;
- + support HRDs in protecting themselves against spyware and other digital threats through funds that can be used for basic digital security equipment, training and support to maintaining systems;

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- + ensure that EU and other multilateral fora's own digital architecture is secure;
 - + institutionalise and financially support accessible hotlines for HRDs to receive digital security support;
 - + translate existing tools such as digital security toolboxes, handbooks and others into local languages to make them more accessible.

Pillar III: International Accountability

Mechanisms

This thematic pillar of the forum looked at formal justice system and the existing international accountability mechanisms. The range of international accountability mechanisms includes the International Criminal Court, specialised tribunals, hybrid mechanisms, courts and the office of the United Nations High Commissioner for Human Rights (OHCHR). They play a key role in defending the rule of law and accountability for human rights violations, violations of international law and international crimes. Seeking state responsibility for international crimes may also involve the International Court of Justice and regional human rights systems in Europe, Latin America and Africa. In this pillar, discussants turned to ways to best facilitate the work of international accountability mechanisms using best practices and innovative approaches and in examining how to ensure equal access to the law.

Fighting impunity and establishing individual criminal responsibility at the international level

These international accountability mechanisms have evolved and function within a relationship between various justice institutions and national justice systems. In the panel discussion on **Fighting impunity and establishing individual criminal responsibility at the international level: best practices and lessons learnt**, human rights defenders, experts and civil and institutional actors looked into the mechanisms' various mandates and objectives, discussed ways to ensure victims' rights and participations; the pursuit of reparation as a component of accountability; and efforts to integrate a gender perspective in their work.

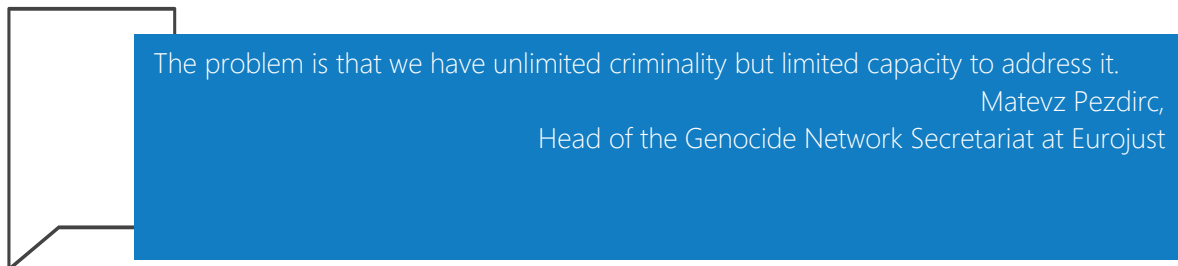
Accountability is a fundamental building brick of peace and civil society has a fundamental role in efforts towards accountability – in litigation, support to victims, information collection. In this session moderated by **Delphine Carlens**, the Head of FIDH's International Justice Desk, various HRDs shared their testimonies among institutional panellists.

The Deputy Prosecutor of the International Criminal Court, **Nazhat Shameem Khan**, explained how the ICC engages with external actors at national, regional and international level. Complementarity obligations require the ICC to work with domestic jurisdictions and they see that dialogue and engagement with domestic authorities pays off, as in the cases of Colombia and Guinea. The ICC also cooperates on regional level as with the African Union on possible Transitional Justice systems in Africa, but is interested to develop more regional initiatives. Yet especially at an international level, the ICC sees an unprecedented level of engagement with civil society.

The crucial role of CSOs as partners of international accountability mechanisms was also reaffirmed by **Mazen Darwish**, Director General of Syrian Center for Media and Freedom of Expression, who urged that a long-term investment and strategic vision for engagement with civil society is needed by international actors. He reflected that the IIM **Syria** can be seen as a good example in this respect.

Providing another international mechanism's perspective, **Kaoru Okuizumi**, Deputy Head of the Independent Investigative Mechanism for **Myanmar**, shared that in her mandate to collect information and evidence about crimes committed in Myanmar since 2011 cooperation with civil society is key. In this regard, Myanmar civil society dialogue will be launched in spring 2023 similarly to the civil society dialogue done by the IIM Syria. In Myanmar there is currently no state cooperation with authorities and the IIM Myanmar has no access to the country. This adds to other difficulties to their work, which further includes, lack of resources to ensure security of witnesses and for their medical and psychosocial support, lack of sophisticated technological tool for documentation archiving and processing and difficulties recruiting staff with local contextual and language knowledge.

The lack of resources to fully carry out their mandate is a large challenge as further echoed by **Matevz Pezdirc**, Head of the Genocide Network Secretariat at **Eurojust**. The resources available to practitioners fighting impunity do not match the scale of criminality. The Genocide Network is a forum for practitioners from 33 member states to share best practices on fighting impunity alongside UN bodies, the ICC, and six invited permanent CSOs. In their work, involvement of civil society is a component that has been strongly integrated since the mechanism was set up in 2002, but national authorities remain a central piece in the fight against impunity.



Ehsan Qaane from the Transitional Justice Coordination Group on **Afghanistan**, shared his testimony on the situation in Afghanistan, while urging that accountability should not be seen as conditional to stabilisation. After 2001, there was an opportunity in Afghanistan for accountability after consecutive eras of armed conflicts, but stability and stabilisation notions always prevailed. Today there are no national accountability mechanisms in Afghanistan. In his view, the international mechanisms and their presence in Afghanistan is minimal, lacking resources and does not consider victims as a key to their work.

Panellists overall agreed that complementary justice mechanisms face several challenges, from lack of resources to denial of access to crime scenes, lack of understanding of different mandates and the subsequent disillusion at the lack of quick and tangible results.

Looking forward: Strengthening international accountability mechanisms in the global justice system

Drawing on these experiences and best practices, the second panel under pillar III focused on ways to strengthen international accountability mechanisms so they can better respond to the justice needs and aspirations of victims and societies. In **Looking forward: Strengthening international accountability mechanisms in the global justice system** participants discussed ways to make international accountability mechanisms more effective and supported within a more coherent global justice system. They tackled issues of coordination and synergies among international mechanisms and other jurisdictions, and addressed challenges related to political and financial support. They further identified current gaps, innovative practices (notably on the prosecution of SGBV crimes), and normative evolution in the international justice landscape, panellists discussed ways for the EU and the international community to strengthen justice efforts within and across a variety of country situations.

Nadia Volkova, Director of the Ukrainian Legal Advisory Group in her address reflected the national judicial system in **Ukraine** reaffirming that the objective should not only be to bolster global system as the use of ICC or universal jurisdiction should be auxiliary. While a lot of money is being sent to Ukraine to build capacity of domestic system, assistance needs to be targeted and based on a proper needs assessment. Long-term systematic engagement between experienced domestic prosecutors and their counterparts in Ukraine are needed. The problem of capacity of the national justice system will translate into ineffectiveness of the ICC down the road. In her address, she called on the international community to pressure Ukraine to ratify the Rome Statute, reflecting on the importance of the ICC.

Shawan Jabarin, General Director of Al Haq, Law in Service of Man, called **Palestine** a test for justice. He referred to continued crimes, property destruction, selectivity of implementation of justice, and impunity as an official policy in Israel. Reflecting on global attention for the situation in Palestine, he reflected that comparing victims is not the goal, but comparing the reactions gives a sense of double standards and selectivity in political will to address impunity.

Carmen Cheung, Executive Director of Center for Justice and Accountability (CJA) presented CJA's work on supporting civil universal jurisdiction cases in **US courts**. The organization selects its cases by finding cases that matter to victims – what they want investigated, what they had invested in them – and leverages the skills of its team to support civil society in situation countries. Such an approach allows for the cases to be owned by their community. She stressed that international accountability mechanisms depend on the work of CSOs, as front line HRDs are often the first on the scene, and they should engage with CSOs and recognize impacted communities are their partners.

Samuel Emonet, Executive Director of Justice Rapid Response too reflected on the work of JRR, an organization that deploy experts such as prosecutors for long term repeated engagement, peer to peer support. 600 of their experts have been deployed in 25 situations globally. A strong example had been the Myanmar Fact Finding mission report, which influenced the whole justice system that followed. While it has not been enough and there is no accountability in Myanmar right now, it should be seen as a model upon which to build forward.

Providing the institutional perspective, **Roberto Ricci**, Head of Emergency Response Unit at the Office of the United Nations High Commissioner for Human Rights (**OHCHR**) spoke about the contradiction between international criminal justice and the reality of the crimes committed. He reflected that prosecutors need to make political choice about what they are going to prosecute and need to consider how impactful it will be for victims.

Open Forum Discussions

In the afternoon of day 1, participants exchanged views in Open Forum interactive discussions. The interactive sessions facilitated direct interactions between HRDs and staff from EU institutions, while also fostering exchanges between HRDs working on similar issues both regionally and internationally. The discussants together with session moderators discussed topics relevant to the Pillar without the constraints of a panel format. These sessions gave a voice to HRDs from different regions, who offered invaluable accounts of their experiences and suggested possible strategies for the future.

Complementarity of justice efforts

The open session on international justice efforts discussed three main issues: the challenges and opportunities of local, regional and international justice approaches to accountability; challenges and opportunities in making use of extra territorial and universal jurisdiction; and elements of a comprehensive transitional justice process.

At the tables on **international justice processes and support for local, national and/or regional level efforts**, the moderator David Donat Cattin from Parliamentarians for Global Action, focused on the principle of complementarity. The discussion was opened with the question on whether the ICC is truly a court of last resort and, if so, in which cases complementarity works. By comparing the application of the complementarity principle in a series of countries it was shown that a huge impunity gap still exists. In some cases complementarity works (Guinea Conakry, Colombia) while in some other situation countries/regions (Asia, The Philippines) the ICC is the only available avenue against impunity. Furthermore, they agreed that complementarity is often seen as only applicable to investigations and prosecutions of crimes, but should be applied to victims' rights too. Reparations should be made available for the victims either through channelling the seized funds from the perpetrators or via a trust fund.

At the table discussing **challenges and opportunities in making use of extra territorial and universal jurisdiction**, moderated by Matevz Pezdirc from the Genocide Network, discussants reflected on the historical evolution of the principle of universal jurisdiction: from the backlash which followed the first attempts from Belgium and Spain, to the current renewed interest and the inherent risks of selectivity and politicisation. Various challenges were identified: the difficulty to find the right legislative framework, whereby some countries apply too wide an approach while others impose too many restrictions; the difficulty of prosecuting cases when the person is not present in the investigating country; the lack of specialisation of judges and prosecutions; the lack of cooperation from states; as well as the negative impact that these cases might have on victims, for example where victims have to testify several times and when proceeding take too long.

the discussion on **elements of a comprehensive transitional justice process**, moderated by Jimena Reyes from FIDH, focussed on the true meaning of transitional justice (TJ) today and whether the principles of truth, justice, reparation and guarantee of non-repetition are respected. Examples taken from different countries showed that in several cases (Guinea, Venezuela, Algeria, Burkina Faso) transitional justice processes have been initiated but are now interrupted. This happened because they had been started before a true democratic transition was in place. As the case of Algeria exhibits, the impunity of yesterday prevents justice today. Cases such as Burkina Faso highlighted how TJ processes are interrupted by political power disruptions - while steps were being taken

to invoke TJ the coup d'état interrupted the process and the dialogue between the government and the communities are in danger.

Recommendations and the way forward

Participants to the discussions brought up some key recommendations for the EU to:

- + call for the ICC and other international mechanisms created for accountability to be sufficiently resourced so that they can perform their functions;
- + strengthen the capacity of the judiciary in terms of technical capacity and political willingness;
- + ensure consistency and coherence in EU support to justice processes; advocate for expanding universal jurisdiction where there is a lack of resources and problems of prioritization, and for universal jurisdiction efforts to be integrated into broader diplomatic relations;
- + lead on establishing more investigative mechanisms in the frameworks of the Human Rights Council and not be selective;
- + continue to support restorative justice efforts even where criminal justice cannot be achieved;
- + place stronger emphasis on corporate liability in conflict and crises, especially on companies based in the EU;
- + to make further use of existing international tools; e.g., Interpol. Europol;

Good practices

Victim-centred approach does not only include the participation of victims and their representatives in legal processes, but also in discussions about restorative justice and reform efforts. It is important to not only address the accountability dimensions of justice but also remedy measures to ensure that the immediate needs of survivors and their families are met.

Permanent Tribunal of the People is a tribunal of opinion. While it cannot collect evidence, only information, this tribunal was one of the pioneers in Latin America on crimes against humanity and the report produced has been very important.

Truth, justice, reparations and guarantees of non-repetition are the main pillars to ensure transitional justice processes.

Conclusions and key messages

The 24th EU-NGO Human Rights Forum assembled participants from around the world with a variety of perspectives to discuss the central theme of the Forum -- Stop impunity: the road to accountability and justice.

The first day of the Forum concluded with a video message from **Jutta Urpilainen**, European Commissioner for International Partnerships. She reaffirmed that the EU is ready to continue supporting human rights defenders in three ways; 1) By defending fundamental freedoms, such as, freedom of expression, assembly and association, 2) With lifeline support, including in the most dangerous and difficult contexts, 3) Through better monitoring with the reference to funding for the Global Observatory on the Fight against Impunity.

After two days and 16 sessions, the closing session wrapped up the event, highlighting the main take-away and the way forward. The panel consisted of three rapporteurs from the thematic sessions, who were invited to report back on the key conclusions of their discussions, and representatives from the organising entities.

Sarah Kasande (ICTJ Uganda), the rapporteur of **Pillar I: Preventing Impunity – ensuring accountability and justice**, noted that the discussion tackled issues related to transitional justice and prevention of violations, as well as victims' needs and EU response. Through the comparison of different contexts (i.e. Colombia and Kenya) the impact of EU policies on transitional justice and prevention was assessed. The discussions highlighted that transitional justice can contribute to preventing violations of human rights, by providing recognition and reparation to victims. Community and local engagement is also a critical tool to tackle violations and transform the culture of impunity. However, for this to happen, political will is key.

Jimena Reyes (FIDH), the rapporteur for **Pillar II: Civil society actors in crisis and conflict situations**, shared the main conclusions of discussions underlying the importance of civil society in monitoring violations of human rights, and the need to protect human rights defenders, who often operate under autocratic regimes. Mentioning the examples of Colombia and Libya, she recalled the lack of access to the political peace process for women and the need to fight back patriarchal approaches. Reflecting on the discussions she noted that accountability initiatives such as fact-finding missions or crime documentation efforts are very useful, especially in autocratic regimes. However, these accountability mechanisms often suffer from a lack of funding, no long-term strategies and lack of intersectional focus. Inadequate domestic legislation was identified as one of the main obstacles to accountability. In some cases, national legislation is in place but it is not implemented or is used against civil society organisations and human rights defenders. From the discussions, a strong call for a more extensive use of universal jurisdiction also emerged.

Alice Autin (Human Rights Watch), the rapporteur for **Pillar III, International Accountability Mechanisms**, shared some common threads that emerged from the discussions. First, the centrality of the principle of complementarity. States have the primary responsibility to ensure accountability, including the responsibility to provide financial support. The international justice system comprises national, regional and international accountability mechanisms. None of them can function in isolation. Second, the central role played by CSOs and HRDs, in particular in allowing victims to access justice, documenting violations, and ensuring public awareness and advocacy for victims. These actors need to be seen as equal partners in accountability efforts. Among the main common obstacles to accountability are the lack of political will, the lack of capacity and insufficient resources. The issue of selectivity and double standards also features prominently.

The session continued with the closing speeches by representatives from the European Commission, the EEAS and HRDN.

Chiara Adamo, Acting Director Human Development Governance & Peace, European Commission, DG INTPA, warmly thanked the participants, on behalf of the EU institutions, for their strong engagement and active participation and ensured that the EU will follow up on the recommendations made during the Forum. From the discussions in the various pillars, she highlighted in particular realisation that criminal accountability is not sufficient. A holistic approach must be adopted, which prioritizes the most serious violations but affords all the victims the right to be acknowledged.

Luisa Ragher, Head of Division for Human Rights, EEAS recalled that the world is a hard place for human rights defenders. She reflected that the EU and civil society need to adapt their approach on how to address crimes and violations and how to bring to justice all perpetrators, focussing on all crises and on the long term. She recalled that the EU has a strong policy framework to protect and enhance the capacity of civil society, compounded by important financial instruments and tools. She recalled that, faced with the current enormous challenges, the only way to move forward on the road to accountability is to work together. Finally she emphasised how the forum is not a “one of process”, and that the EEAS and the Commission will discuss with Delegations and Member States all the main recommendations of the forum.

Jimena Reyes, Americas Director at International Federation for Human Rights, recalled the importance of putting victims at the center of accountability efforts, so that their voices can be heard, focussing not only on retribution but also on reparation, including medical and psychological support. She also stressed the need for a multidimensional and interrelated approach in addressing accountability. All actors (ICC, ad hoc tribunals, national and regional jurisdictions) should better coordinate their efforts and collaborate. She called on the EU to also support this multidimensional approach.

In two side sessions, the EEAS (**Raphael Warolin**), DG INTPA (**Christine Mardirossian**) and the Secretariat from Protect Defenders gave comprehensive presentations on the existing EU tools for HRD protection, most notably ProtectDefenders.eu.

In the margins of the forum, the EU Special Representative for Human Rights, Eamon Gilmore met with 10 human rights defenders from across the world. The EU SR committed, in his upcoming visits to keep engaging with HRDs and to firmly call authorities to strengthen HRD protection.

Annex

Full Agenda

Wednesday, December 14, 2022

9:00-9:30

Keynote speech by Josep Borrell, EU High Representative for Foreign Affairs and Security Policy / Vice-President of the Commission

9:30-11:00

Opening Plenary

The challenges to foster accountability for international crimes and serious human rights violations in conflict and crises situations.

Moderator: Florence Ranson, Independent moderator and presenter

Speakers:

- Belen Martinez Carbonell, Managing Director for Global Agenda and Multilateral Relations (EEAS)
- Karim Khan KC, Prosecutor at the International Criminal Court (Remote)
- Oscar Parra-Vera, Justice at the Special Jurisdiction for Peace, Colombia
- Shaharзад Akbar, Executive Director at Rawadari, Afghanistan
- Tetiana Pechonchyk, Head of Board at ZMINA Human Rights Centre, Ukraine

11:30-13:00

Discussion panel - Transitional Justice and the Prevention of conflict and abuse

Moderator: Fernando Travesi, Executive Director at the International Center for Transitional Justice (ICTJ)

Speakers:

- Peter M. Wagner, Director-Head of Service for Foreign Policy Instruments
- Geraldine Mattioli-Zeltner, Adviser to the Commissioner for Human Rights, Council of Europe
- Stella Ndirangu, Africa Advisor at Victim Advocates International, Kenya
- Gloria Gomez, General Coordinator at Asfaddes, Colombia

Discussion panel - Gender in conflict and crisis: rehabilitation, reparations and accountability

Moderator: Leah Hoctor, Senior Director for Europe at the Center for Reproductive Rights

Speakers:

- Christina Kokkinakis, Deputy Managing Director, for Global And Multilateral issues, EEAS from Transitional Justice
- Maya Shah, Director of Operations at the Global Survivors Fund
- Adriana Benjumea, Executive Director of HUMANAS, Colombia
- Anny Modi, Director at AFIA MAMA asbl, Democratic Republic of the Congo
- Krystyna Kacpura, President of Foundation for Women and Family Planning, Poland

Discussion panel - Fighting impunity and establishing individual criminal responsibility at the international level: best practices and lessons learnt

Moderator: Delphine Carlens, FIDH Head, International Justice Desk

Speakers:

- Nazhat Shameem Khan, Deputy Prosecutor of the International Criminal Court
- Matevz Pezdirc, Head of the Genocide Network Secretariat at Eurojust
- Kaoru Okuizumi, Deputy Head of the Independent Investigative Mechanism for Myanmar
- Mazen Darwish, General Director of Syrian Center for Media and Freedom of Expression (SCM), Syria
- Ehsan Qaane, Researcher at the Transitional Justice Coordination Group, Afghanistan

14:30-17:30

Interactive Open Forum

Small Group discussions on 5 thematic topics

	<p>Topics:</p> <ul style="list-style-type: none"> ▪ Topic 1: The role of HRDs and CSO in countering impunity ▪ Topic 2: Documentation and raising awareness ▪ Topic 3: Victims Rights and participation in justice processes ▪ Topic 4: Gender justice and women's rights in conflicts and crisis ▪ Topic 5: Complementarity of justice efforts - Challenges and opportunities of local, regional and international justice approaches
17:30-18:00	Closing Remarks by Jutta Urpilainen, European Union Commissioner for International Partnerships

Thursday, December 15, 2022

9:00-9:30 9:30-10:30	<p>Opening Speech by Eamon Gilmore, EU Special Representative for Human Rights</p> <p>Plenary II: The role of human rights defenders and victims in stopping impunity</p> <p>Moderator: Florence Ranson, Independent Journalist</p> <p>Speakers:</p> <ul style="list-style-type: none"> ▪ Nada Al-Nashif, United Nations Deputy High Commissioner for Human Rights ▪ Chiara Adamo, Acting Director Human Development Governance & Peace, European Commission ▪ Alexander Cherkasov, Chair of the human rights center Memorial, Russia ▪ Khaled Quzmar, General Director at Defence for Children International, Palestine ▪ Drissa Traoré, Mouvement ivoirien des droits humains, Ivory Coast ▪ Video message by Vilma Núñez de Escorcia, Lawyer and human-rights activist, Nicaragua
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11:00-12:30	<p>Discussion panel - Integrating justice needs and victims' participation in the EU's responses to crises and conflicts and in post conflict reconstruction</p> <p>Moderator: Marlies Stappers, Executive Director at Impunity Watch</p> <p>Speakers:</p> <ul style="list-style-type: none"> ▪ Brice de Schieter, Acting Director, Integrated Approach for Security and Peace (ISP) Directorate, EEAS ▪ Mariam Alhallak, Chief Woman at the Ceasar Families Association, Syria ▪ Bekim Blakaj, Executive Director at the Humanitarian Law Center, Kosovo ▪ Ram Kumar Bhandari, Network of Families of the Disappeared/NEFAD, Nepal ▪ Lucia Xiloj, Indigenous human rights lawyer at Bufete Juridico de Rabinal, Guatemala
	<p>Discussion panel - Challenges and best practices of documentation</p> <p>Moderator: Rupert Skillbeck, Director, Redress</p> <p>Speakers:</p> <ul style="list-style-type: none"> ▪ Catherine Marchi Uhel, Assistant Secretary-General, Head, International, Impartial and Independent Mechanism – Syria (IIIM) ▪ Elisabeth Baumgartner, Key expert of the Facility on Justice in Conflict and Transition managed by FPI service of the European Commission ▪ Hassan Bility, Director of the Global Justice and Research Project, Liberia ▪ Anonymous, Human Rights Defender from Philippines ▪ Anonymous, Human Rights Defender working on documentation
	<p>Discussion panel - Protection of human rights defenders fighting impunity in conflicts and crises</p> <p>Moderator: Emily Humphreys, Advocacy Officer at Protection International</p> <p>Speakers:</p>

	<ul style="list-style-type: none"> ▪ Michel Forst, former UN Special Rapporteur on the situation of human rights defenders and current Special Rapporteur on environmental defenders - Aarhus Convention ▪ Luisa Ragher, Head of Division for Human Rights, EEAS ▪ Pavel Sapelko, Lawyer, VIASNA Human Rights Center, Belarus ▪ Adilur Rahman Khan, Secretary of Odhikar, Bangladesh ▪ Anonymous, human rights defender from Libya
	<p>Discussion panel - Looking forward: Strengthening international accountability mechanisms in the global justice system</p> <p>Moderator: Frank Hoffmeister, Chief Legal Officer and AFFGEN Director, EEAS</p> <p>Speakers:</p> <ul style="list-style-type: none"> ▪ Roberto Ricci, Head the Emergency Response Unit at the Office of the United Nations High Commissioner for Human Rights ▪ Samuel Emonet, Executive Director of Justice Rapid Response ▪ Carmen Cheung, Executive Director of Center for Justice and Accountability ▪ Nadia Volkova, Director of the Ukrainian Legal Advisory Group, Ukraine ▪ Shawan Jabarin, General Director of Al Haq, Law in Service of Man, Palestine
14:00-15:45	<p>Interactive Regional session</p> <p>Regional group discussions with the participation of EEAS representatives</p> <ol style="list-style-type: none"> 1) Asia and Pacific with participation of Paola Pampaloni, Deputy Managing Director for ASIAPAC 2) Africa with participation of Bernard Quintin, Deputy Managing Director for Africa 3) Middle East and North Africa with participation of Georgia Papagianni, Advisor to the Deputy Managing Director for MENA 4) Eastern Neighbourhood with participation of Dirk Schuebel, Special Envoy for Eastern Partnership, EURCA 5) Latin America with participation of Heike Schneider, Deputy Head of Division, Regional Division MD AMERICA
16:00-17:00	Closing session