



#TimeToDefine #SexualViolence

# SUMMARY REPORT

CONSULTATIONS WITH SURVIVORS OF SEXUAL VIOLENCE

MAY 2019

Women's Initiatives for Gender Justice





## CALL IT WHAT IT IS

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### The Call it what it is campaign

The *Call it what it is* campaign seeks to strengthen accountability for sexual and gender-based crimes in the international criminal framework by developing a Civil Society Declaration that provides guidance on the meaning of “act(s) of a sexual nature”.

The Declaration will include a culturally-representative non-exhaustive list of such acts – largely based on input from survivors of sexual violence – to provide guidance to international criminal legal practitioners, including prosecutors, defence counsel, victims’ representatives, and other judicial actors, in determining what makes violence “sexual”. Input from a wide variety of actors is sought to inform the Declaration through an online survey, in-person consultations with survivors of conflict-related sexual violence and roundtable discussions with academic legal experts, legal practitioners and civil society representatives.

The consultations with survivors are central to the campaign as the Declaration aims to be developed from a survivor centred standpoint.

A draft Declaration will be developed based on the input gathered through consultations and survey responses. The Declaration will be refined, finalised and adopted during an international expert summit in September 2019 that will bring together representatives of civil society, survivor groups, academics, and legal practitioners. The Declaration will be presented to the International Criminal Court at the end of 2019, as a stand-alone guidance document on what can be considered an act of sexual nature within the international criminal legal framework.

This Summary Report seeks to provide an overview of the consultations with survivors carried out in the context of the *Call it what it is* campaign in March 2019. Further consultations with survivors are scheduled for May and June 2019.





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## Consultations

Throughout March 2019, with the support of local partners from 14 countries, Women’s Initiatives for Gender Justice and its partners held 43 consultations with survivors of sexual violence and civil society actors.

The initial consultations were held primarily in Africa, Middle East and North Africa and in Central and Eastern Europe. The campaign is seeking input from all regions and will focus on Latin America and the Caribbean and Asia-Pacific in the next phase of the project.

## Number of Consultations by region

### *Middle East and Northern Africa*

- Iraq – 3
- Palestine – 7
- Lebanon – 1
- Tunisia – 1

### *Central and Eastern Europe*

- Kosovo – 2
- Georgia – 1
- Ukraine – 2

### *Africa*

- Uganda – 4
- Mali – 1
- Kenya – 3
- Nigeria – 5
- Democratic Republic of Congo – 9

### *Latin America and the Caribbean*

- Mexico – 1
- Ecuador – 3

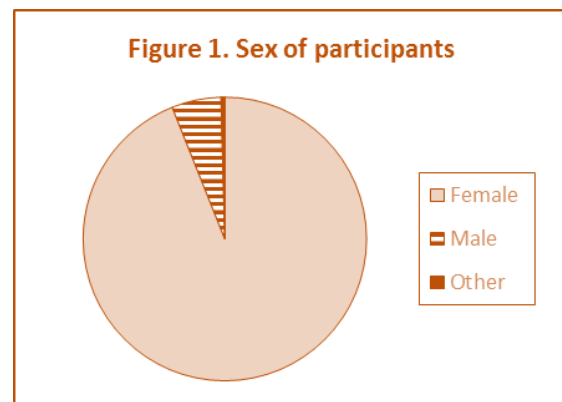
## Consultation participants

In total, over 230 individuals took part in consultations. The vast majority (217) were women, 13 were male and one person identified as “other” (see figure below).

Most sessions were of approximately two hours and had 15 to 20 participants. Consultations were held in the presence of a person who could provide psycho-social support.

Consultations were organized primarily by civil society organizations who have experience working directly with survivors of sexual violence. There were several consultations with small groups of survivors facilitated by individual practitioners.

One consultation was held with a group that included only members of civil society.





## Preliminary Results

Participants were asked to comment on various factors that may make an act “sexual” in nature. Guiding questions included: what makes an act “an act of sexual nature”; are there (violent) acts not involving physical contact that can be called “sexual”; what elements make an “act of sexual nature”; what examples or acts could be considered as “acts of sexual nature”.

In all the consultations, participants gave fascinating insights on what can be considered “sexual” but also identified elements that *need not* be present in order for an act to be considered “sexual”. For example, participants in numerous consultations indicated that an act can be “sexual” in nature even if the perpetrator neither intends to derive sexual gratification from it, nor actually derives sexual gratification from it, which has been misconstrued in the legal sphere.

### Examples of violent acts of a sexual nature raised by survivors

It was clear from the findings of the consultations that in addition to acts whereby a person or persons committed an act of a sexual nature against a person and acts where a perpetrator may have “caused [a person] to engage in an act of a sexual nature”, there were examples that could not easily be presented as an “act”. These included several cases of the *fear* of sexual violence, even in the absence of a direct threat, or the sexual humiliation resulting from acts that were not themselves overtly sexual.

### Examples involving physical contact

- Act involving penetration (vaginal/anal) by sexual organ, body part or object
- Touching
- Genital mutilation
- Violence related to menstruation
- Virginity testing
- Punishment for any sign of sexuality, especially related to the LGBT community or persons affected by disability
- Forcibly undressing somebody

Throughout the consultations, many examples were related where acts of sexual violence were marked by the accompaniment of extreme physical violence. A large number of survivors talked about sexual assaults that resulted in significant injuries and impacts on sexual and reproductive health.

### Examples involving no physical contact

Survivors in a majority of consultations related examples of acts they deemed to be “acts of sexual violence” that do not involve any physical acts of physical contact. Here are some key examples:

- Sexual harassment
- Coercion to share intimate photos/videos, especially of genitalia
- Recording of consensual or forced sexual intercourse
- Being exposed to nudity
- Being exposed to sexually explicit language





### Examples based on fear and/or sexual humiliation

In one consultation in the Central and Eastern Europe region, there was a very thought-provoking articulation: the imminent *threat* of sexual violence being in itself an act of a sexual nature. The example comes from former female detainee discussing the pervasive fear of sexual violence while in detention and raises a very important issue with regard to cases where they may not be an “act” in the traditional sense. Other examples that were based on fear and/or sexual humiliation included:

- Being forced to defecate or urinate in front of others
- Being forced to dress as a gender not in line with the gender perceived by the survivor
- Dress or behave in a way corresponding with a gender with which the does not identify
- Being forced to use toilet facilities designed in a way that genitals are exposed to others

Being forced to witness acts of sexual violence, especially perpetrated against family members or other known persons, was prevalent in many consultation reports. The majority also mentioned the fact of being forced to watch any kind of sexual act or form of nudity, either forced or consensual (e.g. pornography), as a sexual violence because invading one’s personal freedom and integrity.

### **The consultation process**

In interacting with survivors, WIGJ and partners sought to adhere to strict ethical standards, including the *Do No Harm* principles.

It is important to note that one core aim of the consultations with survivors is to include them in a meaningful way in the process of developing the Civil Society Declaration. It is therefore foreseen that those who took part in them will be regularly updated on the progress of the campaign and involved in the drafting process of the Civil Society Declaration.

As a basis for the consultation with survivors, partners were given guidance documents. Partners were also advised to ask different or additional questions in order to gather significant input from the individual consulted on what makes violence sexual and what can and is considered to be a sexual act. Survivors were welcome to relate their personal experience but were not required to do so. They were invited to discuss the topic at hand based on their views and opinions and not necessarily based on the acts that were committed against them. This angle allowed them to have a more open discussion with the partners.

An interesting component of the consultations was the ability of participants to discuss the issue of sexual violence, including their own experiences if they wanted to share them, in a confidential manner. Facilitators remarked that in absence of the need to make a formal statement that included their name and details about perpetrators, participants felt more at ease to disclose information in this setting. As a result, many examples shared throughout the consultations were outside of what is more typically documented in cases of sexual and gender-based violence. Indeed, by the accounts of the survivors, consultations guaranteed anonymity – whereas documentation is often based on sworn, formal testimony – and were carried out in an inviting open and engaging manner. There was also little to no time pressure imposed on the survivors, and many consultations lasted therefore more than three hours.





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In the Middle East and North African region, regional consultants and partners reported that they had not anticipated the prevalence of “other” acts of violence that are experienced as being “acts of a sexual nature” by survivors.

Overall, the consultations provided critical insight into the issue of sexual violence from the perspective of survivors from many different countries and contexts. Consultations will continue in order to ensure that the broadest possible range of voices are heard and included in Civil Society Declaration.

