

The Gender Justice Practitioner Hub

Overview

This initiative explores the establishment of a **Gender Justice Practitioner Hub (GJP Hub)** – a centre mandated to support and connect practitioners involved in securing gender justice for core international crimes. Through collaboration, coordination and by leveraging decades of experience at national and international levels, the GJP Hub would provide *practical* tools and assistance to practitioners to help strengthen efforts in pursuit of gender justice. The initiative is supported by the Government of Australia's Department of Foreign Affairs and Trade through its commitments to the Women, Peace and Security Agenda.

Background

Over the past few decades, the many obstacles to securing meaningful gender justice in accountability processes for core international crimes (particularly war crimes, crimes against humanity and genocide) have become increasingly apparent. The discriminatory gender hierarchy operates to prevent equal and effective access to justice for certain groups and individuals who are disadvantaged due to constructed gender norms. Women and girls, who are generally at the bottom of the hierarchy, are particularly likely to be denied justice or to experience poor justice outcomes. Other discriminatory gender constructions, for example those affecting persons of diverse sexual orientations and gender identities and expressions, also operate as barriers to justice.

While the issue of conflict-related sexual violence has become more visible, and various initiatives have been undertaken to address it, effective justice is still rarely achieved for sexual violence victims. The many other aspects of gender justice beyond sexual violence crimes, and the specific barriers to achieving them, remain under-recognised and seldom addressed in accountability processes. An effective gender analysis needs to be integrated into all aspects, including: recognition of the distinctive gendered impacts of harms; identification of the structural gender factors, and their intersection with other factors, that drive harms; addressing the gendered silencing of certain voices and experiences of atrocity; and application of a gender-sensitive victim/survivor-centred approach.

All too often, attempts to secure accountability for gendered crimes are fettered by justice systems ill-equipped to meaningfully address these crimes. Notably, limited understanding about the impact of trauma (including retraumatisation), stigma, gendered societal expectations and the practical needs of survivors and victims – whose active participation may be critical in securing conviction – severely curtail the effectiveness of efforts seeking justice.

With each new accountability process undertaken, there is a risk of the same mistakes and omissions being repeated. While multiple efforts have been made to record best practices in relation to investigating and prosecuting conflict-related sexual violence crimes, these insights are not always utilised by those assigned to new documentation mandates, and there are few tools to assist when it comes to broader gender justice issues. The conflict in Ukraine is the most recent in a long series of situations underscoring the urgent need for more effective and coordinated approaches to channelling comprehensive gender expertise into accountability processes from the outset.

These difficulties are not insurmountable. Recent legal victories – such as the convictions of Bosco Ntaganda and Dominic Ongwen at the International Criminal Court – demonstrate that justice can be achieved. Experts with decades of experience prosecuting gendered crimes, delivering tailored support and care for survivors, empowering gender equality activists and ensuring political accountability exist across multiple contexts. It is critical that these experiences are now leveraged.

Gap to be addressed

The establishment of the Gender Justice Practitioner Hub (GJP Hub) would be a practical step towards addressing these challenges and help to promote more gender-just accountability processes in the future. This would build upon four key developments in the accountability landscape:

- i. **The concept of “justice facilitation,”**: Bodies like the International Impartial and Independent Mechanism (Syria), the Independent Investigative Mechanism for Myanmar, and the Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD), act as a hub, a point of support, for disparate accountability actors (national prosecutors, lawyers before international courts, the ICC Office of the Prosecutor) in different jurisdictions operating with limited resources and expertise. The GJP Hub would adapt the “justice facilitation” idea and apply it to a thematic topic: gender justice.
- ii. **International justice as a collective project**: Under this model, international justice is a collective project by many different actors in different jurisdictions and across different mandates, at national, transnational, and international levels. The GJP Hub would seek to promote coordination and collaboration on gender issues by relevant actors within and across specific accountability ecosystems.
- iii. **Integration of gender analysis into accountability processes**: A number of accountability mechanisms have sought to ensure a clear approach to gender and gender justice from the outset. For example, the IIIM (Syria) has developed a strategy and implementation plan for integrating a gender analysis as a core part of all of its work to facilitate justice for international crimes committed in Syria. The results stemming from these initiatives provide important insight and create a foundation for the GJP Hub to build upon to support work in other situations involving core international crimes.
- iv. **Development of Practitioner Networks**: the GJP Hub seeks to build upon initial efforts to create practitioner networks on certain aspects of gender justice. In particular, the Prosecuting Conflict-Related Sexual Violence (PSV) Network was established in 2015 within the International Association of Prosecutors (IAP) and has focussed on conflict-related sexual violence. The GJP Hub concept is broader, extending to other aspects of gender justice, while aiming to connect, integrate, reinforce, and extend existing relevant networks. Further, ensuring dedicated resources are in place to facilitate the continuation of such networks in future would be a priority.

The Gender Justice Practitioner (GJP) Hub in more detail

The objective of the GJP Hub is to support practitioners in securing justice for victims and survivors of gendered core international crimes by leveraging existing best practice and experience. It will do this through:

- Creating a well-recognised, practitioner-focused, **centre of expertise to facilitate the work of core-crimes accountability actors** and to assist them in promoting more gender-just outcomes;
- Developing a **comprehensive network connecting practitioners** working on gender issues across different accountability mandates, in national and international jurisdictions, to facilitate the sharing of expertise, experiences and lessons learned, as well as to provide support to gender justice actors;
- Establishing a **mechanism for collating and extending best practices** and making them available to new and existing accountability mandates and to promote the progressive development of approaches over time;
- **Dedicating resources for practical gender informed tools** to facilitate the work of practitioners;
- Promoting **coordination in building capacity** of core crimes accountability actors to pursue gender justice; and
- Promoting **more effective engagement** between scholars working on gender justice research and practitioners involved in accountability processes.

Based on available funding, interest and need, this may include: Creation of a ‘go to’ website with information and resources to assist practitioners integrate a gender analysis as a core part of

accountability work; Convenings of practitioners to exchange lessons learned and workshop practical problems; Support for practitioners /entities, in dealing with issues of secondary traumatic stress and vicarious trauma arising out of work on gender based crimes; Development of templates for integrating gender (e.g. gender strategy, implementation plan, check-lists for integrating gender analysis, standard operating procedures); Development of legal precedents (e.g. charging frameworks for gender-based crimes, witness protection motions) that could be flexibly adapted by practitioners; Peer-to-peer support to assist with strengthening gender perspectives in ongoing investigations and prosecutions, including assistance with building a contextual understanding of relevant gender structures in specific country situations; Compilation of rosters (quality controlled) of potential expert witnesses, trainers/ capacity builders, and survivor services providers (medical, psychosocial) who can support gender justice initiatives.

Next Steps

A scoping phase will take place for 18 month commencing February 2023. During this phase relevant initiatives will be considered, initial consultations will take place, and a mapping and needs assessment exercise will be undertaken with different regional groupings (Africa, Asia, Middle East, The Americas and Europe through five roundtables) to better understand the usage of the GJP Hub and current initiatives. This process will produce a report and recommendations to guide the initial design of the GJP Hub. It is anticipated that a second phase will take place which would focus on delivery of the GJP Hub's identified outputs for the next three years, after which a review should take place to inform further planning.

Legal Action Worldwide (LAW) will implement the scoping exercise, supported by a small steering committee, composed of leading practitioners and academics with broad expertise and solid practical experience concerning the integration of gender perspectives in accountability work for core international crimes. Key questions to address will include:

- What should be the thematic and geographic scope of the GJP Hub: core crimes accountability, human rights fact-finding, civil accountability for international crimes/human rights violations? This will depend heavily on anticipated levels of funding available.
- What are the aspects of the accountability process on which the GJP Hub should primarily focus (e.g. support regarding the evidence gathering process, support for survivors in addressing trauma and avoiding re-traumatisation; factual or legal analysis of collected material, charging, prosecuting, quantifying harms and compensation)?
- Who are the key stakeholders? Victims/survivors of core international crimes/national criminal justice actors/international criminal justice actors/human rights fact finders/civil society?
- What are the main challenges faced by key stakeholders currently and what types of assistance do they require to facilitate their work?
- What are the main predicted gender justice facilitation opportunities within the next five years (having regard to known or anticipated investigations/prosecutions)?
- What should be the institutional anchor for the GJP Hub and where should it be based? Given anticipated resource limitations, it seems likely that the Hub would need to be plugged into an existing entity that could provide it with administrative and other support infrastructure, allowing available resources to be spent more completely on gender justice facilitation. The institutional anchor will also be a potentially important means of imbuing the GJP Hub with credibility and authority in the eyes of stakeholders. Options may include a university, a law firm or an existing UN Body or NGO.
- What should be the design and programming for the GJP Hub in the next 3 years. What expertise would be most important to recruit?
- How will the Hub support and engage with other existing initiatives?