Global Campus of Human Rights

EPISODE 3 - Transforming experiences

Ashwanee Budoo-Scholtz (host)

Erin Farrell Rosenberg

Voiceover 00:06
Hi, this is *To the Righthouse*. A new podcast series by the Global Campus of Human Rights, from skepticism to hope, from utopia to empathy. We discuss human rights riding waves, but also signaling where the light is. This podcast will be recorded in Venice, Italy, on the island of Lido, at the Global Campus headquarters.

Ashwanee Budoo-Scholtz 00:30
Hello and welcome to *Survivor Movements for Justice*, a podcast series brought to you by the Global Campus of Human Rights. I'm Ashwanee Budoo-Scholtz and in this episode, I have the pleasure to talk with Erin Farrell Rosenberg about the ways in which the quest for accountability can turn into transforming experiences for survivors of human rights violations.
Erin is the Senior Legal and Policy Advisor for the Mukwege Foundation's Red Line Initiative, and an adjunct professor and visiting scholar at the University of Cincinnati. Erin, It is a pleasure to be with you.

Erin Farrell Rosenberg 01:13
Thank you Ashwanee, it's really a pleasure for me as well to be here today with you and to talk about this important issue.

Ashwanee Budoo-Scholtz 01:23
Erin, can you please briefly introduce to our audience the rights based and survivor LED work of the Mukwege Foundation, in particular the Red Line Initiative.

Erin Farrell Rosenberg 01:35
Yeah, so the Mukwege foundation, I think, to start to set the frame, the Mukwege Foundation has three mutually reinforcing streams of work.
The first is the holistic care work, and to briefly explain what that is that takes the Panzi model, the hospital that provides holistic care created, founded and still run by Dr Mukwege in eastern Congo, and takes that model of holistic care and tries to bring it to other conflict settings. So that means peer to peer exchanges with medical professionals for medical trainings technical support to governments dealing with the aftermath of conflict related sexual violence, and assisting in, for example, setting up referral pathways for survivors to get the care that they need.
The second stream of work is what's called Voice. And that is that the Mukwege Foundation supports Sema, which is *The Global network of survivors of conflict related sexual violence*. Sema is a fully survivor led organization operating, they have members from over 25 countries, and the Mukwege Foundation serves, if you will, as a bit of the Secretariat for SEMA. So, we provide technical assistance, help organize retreats, so that they can come together and exchange on best practices and do planning. We also do some capacity building when requested by the survivor networks.

SEMA is the Swahili word for speak out, and that was chosen by the survivors themselves to represent what it means for them to be agents of change.
The third stream, which you referred to the Red Line Initiative, is the justice and accountability work, and what, you mentioned that we take a rights based approach, and so I think the best way to explain what the red line initiative is, is that what we seek to do is to both clarify and strengthen the existing legal obligations that states already have with respect to conflict related sexual violence, including in terms of prevention obligations, justice and accountability, but also humanitarian response and reparations. So, our approach to justice and accountability is much broader than what many people often think of, which is a criminal law approach, meaning perpetrators being prosecuted and convicted, which is a core and critical part of justice and accountability, but there is actually much more in the law that is required of state actors. And in a way, this was said by Nadine Tunasi, who is a survivor of torture, actually, in talking about the Red Line and the way that she explained it, which I think maybe will indicate what I mean by both a survivor led but also rights based organization, is that when survivors of conflict related sexual violence meet with their governments to explain the situation that they may find themselves in, care that they may need, justice that they may need, there's a power imbalance, and so what the Red Line Initiative seeks to do is to empower survivors. So, when they speak to governments, international actors, they're not asking for something, they're not asking for a favor. They are demanding that states fulfill the legal obligations to which they are bound, to which they have an obligation to do, and so in that sense, it is a way of resetting the inherent empower balance between an individual and a government.

Ashwanee Budoo-Scholtz 06:22
Thank you, Erin. I wish we had the time to go into all the three aspects, but unfortunately, we'll have to focus on the Red Line Initiative. So when supporting survivors of human rights violations, Erin, what aspects do we need to consider beyond legal redress, because you mentioned that this particular initiative looks at demanding states to implement the obligations that they have adhered to. So what are the aspects do we need to consider beyond the legal obligations?

Erin Farrell Rosenberg 06:58
So first of all, let me say in terms of and for your listeners, and also for you, I would invite you to visit ncrsv.org that is the dedicated website of the Red Line Initiative, where you can find what is called the guidebook on state obligations for conflict related sexual violence. So, this is a resource for Survivor networks, but also for state actors and civil society, and what it sets out, there are different chapters that you can explore are, what are the legal obligations of states? And so it analyzes those obligations from a number of different legal frameworks, beginning with international humanitarian law, international human rights law, also in terms of regional human rights law. So if, for example, we're talking about Uganda, there are obligations that the state of Uganda has, or the government of Uganda has in terms of survivors of sexual violence perpetrated by the Lord's Resistance Army that come from treaties, conventions and various commitments that they've made under the African Union Human Rights system. And the last framework that we also analyze are the resolutions of the UN Security Council under its international peace and security powers from the UN Charter. I think what's really important to emphasize is that outside of legal redress, and I want to be careful in how I say this Ashwanee, because, of course, you know, for survivors, it's not a monolith. There are, there are always just as anyone, as an individual, has their own views and own experiences, there's a wide variety and diversity of views of what is needed. But one thing I will say is that it's very common, and what you often

hear in speaking with survivors is that what is most important to them, what is on their mind is that they don't want this to happen again. They don't want this to happen to someone else, they don't want their children to have to experience conflict related sexual violence or other forms of atrocity crimes. And what that means is that what they're really asking is, how do we prevent this? And so, prevention obligations, and there are a number of prevention obligations that states have, and I'll maybe just highlight a couple. What do I mean by that? That means, for example, that states have an obligation to before conflict occurs, before you have mass human rights violations, to ensure that they have the systems in place for the evacuation of civilians, that they have a national action plan that can be activated to ensure that those populations most vulnerable to conflict related sexual violence will be prioritized, that they have the medical training already delivered so that there can be an emergency response, if and when, conflict related sexual violence occurs. These are all things that are incredibly important to us, to not only preventing conflict related sexual violence, but also as much as possible, mitigating and hopefully reducing the devastating consequences and impacts of conflict related sexual violence. And so when we talk about legal redress, we're talking about after the fact right legal redress implies that there has been a violation, and now we are addressing it through a justice approach, but outside of that, at the very heart of of what I think is most important is to not be reactive, to also be proactive and to be really engaged with states about their prevention obligations.
There are also outside of legal redress, of course, a number of important human rights obligations that have to do with how states respond outside of providing a formal justice path that means medical care, education, psychosocial rehabilitation, as well as addressing a lot of the economic impacts of sexual violence, of international crimes in terms of income generating activities and and, of course, at the community level, one of the major issues that outside of legal redress, that is very important is addressing the stigma and discrimination, that survivors often face from society at large, their local communities, and even within their own families. So it's legal redress is incredibly important, but there is much more that is needed.

Ashwanee Budoo-Scholtz 12:39
Thank you, Erin, since you mentioned stigma and discrimination, how do we address stigma, silence, distrust and isolation in the case of egregious violations such as conflict related sexual violence?

Erin Farrell Rosenberg 12:58
You know, it's an incredibly difficult and nuanced issue, because it is incredibly context specific of what the local culture and norms are, that feed into this, the stigma that survivors often face. And so, what's most important is to really be led by the survivors themselves. And this is where Sema becomes so critical and when I said, you know that that the three sort of streams of work, of the Red Line, or I'm sorry, of the Mukwege Foundation, are mutually reinforcing. So in terms of, how do you address stigma, discrimination, silence, first there needs to be a safe space for survivors themselves to come together, to exchange. That's the first step in terms of breaking the silence is for survivors to be able to be in a place where they can not only express their own experience and frustrations and desires, but also to have a community around them of people who have experienced the same, who understand and who they can really exchange with. That's a really critical part of network building that the Mukwege Foundation does as a part of our work with Sema, is to be able to have spaces for survivors themselves, to begin to speak. From that you have a process of survivors really moving from to begin victim to survivor, and then for some, not all, but for some, they then actually become survivor activists. And in terms of stigma, it is really critical that those who deal with the stigma are the ones who are the experts of understanding that they are the experts in terms of what is needed

to engage with their communities to address any type of discrimination or stigma they be they may be facing. Because what you don't want to do, of course, under the principle of do no harm, is to come into a situation that you may not be particularly familiar with and attempt to do something that makes sense from your cultural context, that may, in fact, be harmful or unhelpful, and so really being guided by the survivors themselves and then from that, oftentimes, what that looks like in practice is a lot of community awareness raising activities, educational exchanges, I will say that just as one example, in northern Uganda, several of the survivor networks that are supported by the Mukwege Foundation, the National Sema chapters of Uganda, they regularly participate in radio shows where they engage with the local community, people can call in and discuss things that they may not understand, questions, etc. And so, you know, really seeing it from the perspective of, how do we accompany a survivor and really follow their lead as to, what are the issues of stigma and discrimination? Where is it occurring from a family perspective, hat may mean, you know, family counseling, engagement, really at the family level, for reconciliation, and then building out from that, more public awareness activities with the broader community.

Ashwanee Budoo-Scholtz 17:03
Okay, so for those who are outside the Sema network, how do you ensure that the survivor has a voice in how they are approached?

Erin Farrell Rosenberg 17:17
Yeah, that's a really important question, and Sema is, is one network of survivors, but I should say that, you know, there are survivor networks and groups around the world that have been, that are that are outside of Sema, and who do amazing work, and ultimately, in terms of, how do you reach individual survivors, that, again, is something that each survivor network, so Sema, for example, has approaches to and what the Mukwege Foundation would do is to, if they asked us to, would be to, for example, do some capacity building workshops, have some discussions, we do peer to peer exchanges, where different survivor networks will come together, and we'll discuss exactly those types of challenges, of, how do you reach a person who is perhaps, at this point outside of a survivor network? How do you bring them in? But I think it's really important to emphasize again that a part of your question, I think, goes to this, is that no one speaks on behalf of another person. You speak from your own perspective, you try to give voice to the perspectives that you're aware of, but you always have to be open to recognizing that you know, each individual has their own experience and their own view. I will say, just to maybe also point out that one of the challenges does have to do with ensuring that survivors who come from particularly marginalized or already existing discriminated against groups, that you really do need to have a very careful and focused approach to ensure that those individuals are also being brought in, because you will have different intersecting concerns and harms that they want to have addressed. Let me give you an example, one of an example of that might be, for example, survivors of conflict related sexual violence who have a disability and so you have a an intersecting, disadvantage essentially that that really needs to be represented, even if the survivor group itself is not a survivor group dedicated to the rights of persons with disabilities. So having that intersectional approach and awareness, making sure that, for example, men and boys, who also can suffer conflict related sexual violence, are also kept into account in our in our herd, persons with disabilities, children, family members who may be what we call indirect victims of conflict related sexual violence, having potentially been eyewitnesses .So there's, there's a lot that goes into, how do we try to ensure that the voices of those who

are outside are still heard, and that really is led again by the networks themselves, in terms of the outreach that they do. And then, of course, with some technical support as requested from the Mukwege Foundation.

Ashwanee Budoo-Scholtz 21:20
We can definitely see that there are benefits of going beyond legal redress. But for our listeners, can you please elaborate on other benefits that they are of adopting a more holistic approach and moving beyond the legal and also maybe underscore the risks of such an approach, please.

Erin Farrell Rosenberg 1221:43
Yeah, so let me say actually one of the benefits that I don't know is always recognized, is a benefit that actually impacts on the quality of legal redress itself and the meaningfulness of it. And what that is, is that a survivor who's going to engage with the legal process, we know legal processes, particularly criminal processes, for anyone who engages as giving testimony, for example, a witness that it said it is
a difficult time consuming and sometimes upsetting experience, because you are testifying and providing evidence about crimes and things that are very painful and so that carries a lot of emotional and mental burden on survivors, and so one of the things about a holistic approach is recognizing that there are support and assistance that's needed for a survivor in order for them to have the mental and physical strength to engage meaningfully with a legal process. If you have untreated physical ailments from for example, conflict related sexual violence that you have not received physical rehabilitation for, it may be incredibly difficult for you to participate in a legal process. If you have suffered serious economic harm, you're unable to work, you're unable to support yourself or your family, you may not be able to, from a financial perspective, give the amount of time needed to participate in a legal process. So recognizing that part of a holistic approach is about seeing the survivor as a full individual, seeing their full humanity and really trying to accompany them, to have them be as strong as possible, so that they can engage in the legal process. And I think that's one of the most important benefits to a holistic approach, because it really adds depth and meaning to engaging with legal processes.
And one of the risks Ashwanee that I think is necessary to highlight, is that, it's expensive, and so you do have, unfortunately, sometimes the response of states or other actors will be, well, that's too much. We want to, you know what? How about we just have a trial. Or, for example. In terms of reparations?
Well, we're just going to have a compensation fund, instead of all of the different forms of reparations that survivors have a right to. So you can have a situation unfortunately, and this is, I think, anytime we're talking about mass crimes, where you have a degree of harm that has been suffered by a large number of people across a large geographic area, financial constraints that impact on the ability to truly deliver holistic care. and ultimately, what that comes down to is political will of not just the affected country, but of donor countries, of private donor organizations, really prioritizing and recognizing the value of a holistic care approach. I won't say that we're there yet, that's a part of the the advocacy work that the Mukwege Foundation does.It's, I think, incredibly important. And there's been a lot of advances, and I think a lot more awareness from those donor communities of the value of a holistic approach, but I do have to be honest and say that we're not there yet, and there still is, and to be fair, you know, states and governments have a number of competing financial issues that they have to deal with in terms of their budgets. So that pressure is always there, and it is our work to continue to try to make the case of why, ultimately, holistic care, even from a cost perspective, is more efficient, because the sooner that you provide care, the less consequences there will be, and the longer that you wait to finally provide care to a person, it will be more expensive.

Ashwanee Budoo-Scholtz 27:14
Indeed, indeed, Erin and you mentioned that there's a need for more advocacy work to change political work, or to maybe strengthen political role, so that people see survivors as a full individual. And that is definitely one good practice to support holistic search for justice. Are there any good practices that you would recommend to our listeners, Erin?

Erin Farrell Rosenberg 27:45
Well, let me ask you, in terms of best practices and in which aspect?

Ashwanee Budoo-Scholtz 27:52
To, so, in best practices that have worked in supporting a holistic search for justice. So there, you mentioned the duty of care, you mentioned like, for instance, if someone has been treated physical injury to make sure that they are treated, but has, has there been other best good practices. let me say that I've worked for you and the organization in supporting a holistic search for justice.

Erin Farrell Rosenberg 28:20
So I think some of the some of the best practices really come from the survivor movement building that the Mukwege Foundation participates in. And I really cannot emphasize enough how important it is. And this is not unique to survivors. Ashwanee, this is something I think, I hope your listeners can understand this just from their own personal experience, that when we are alone, when we're dealing with difficult things and we don't have a community of support, it's more difficult. It's harder to find your own inner strength, and so I really think that, just to emphasize that one of the most important practices is to really ensure that there are safe spaces for individuals to come together, for survivors to be able to come together and build their own community. And the amount of reinforcing strength that comes from that is extraordinary to see, but it's, I think it's really the critical sort of component of how you have a whole, how you can advocate for a holistic care approach that is truly survivor centered and survivor led. And when you try to speak over or replace your view, put your view in the place of that of a survivor, you're going to have less effective care. And so that's again, a best practice, is to really be led by the survivors themselves, to recognize their expertise, to recognize their understanding of what is needed, and to not try to dictate to but rather walk alongside.

Ashwanee Budoo-Scholtz 30:35
Walk alongside. Thank you, Erin, for sharing your knowledge and expertise with me and our audience and all best wishes for your important work.

Erin Farrell Rosenberg 30:47
Thank you so much. It was a pleasure to be here with you today.