

## Strategic Meeting on Support for Victims of Mass Atrocities with Members of the European Parliament (MEPs) and European Business Community

### I. BACKGROUND

#### A. The Trust Fund for Victims

The Trust Fund for Victims (TFV, or Fund) is an independent entity established by the same treaty as the International Criminal Court (ICC, or Court)- the Rome Statute.<sup>1</sup> It is an instrument of the ICC States Parties responsible for providing assistance and financial support (reparations) to individuals and communities who have suffered from genocide, crimes against humanity and war crimes. The Fund does not have any direct link with any organs of the ICC, and no provision in the Rome Statute gives the ICC power to manage or utilize the Fund.

The TFV is the first of its kind in the global movement to help to alleviate suffering of the victims of atrocious crimes whose voices are often left unheard and whose suffering is forgotten.

The TFV has a two-fold mandate:

- (i) to implement reparations ordered by the ICC
- (ii) to provide physical, psychological, and material support to victims and their families, e.g. providing: medical support to women victims of sexual violence; corrective surgery; orthopaedic devices with post-orthopaedic procedure physiotherapy; as well as supporting economic development initiatives; job training and education, particularly to orphans and other vulnerable children; and creating employment opportunities for victims and their family members (...).

Through the past nine years, the TFV **has directly benefited more than 104 000 individuals** by providing physical, psychological, and material support. Of these beneficiaries, over 5,000 individuals were survivors of sexual and gender-based violence, including girls abducted and/or conscripted and sexually enslaved by armed groups, and children of women victimized by campaigns of mass rape and displacement. Furthermore, **more than 350 000 families affected by atrocities benefitted indirectly by the Fund`s support.**

Victims include further *inter alia*, child mothers, former (male and female) child soldiers, girls formerly associated with armed groups, disabled persons and amputees, disfigured and tortured persons, and other vulnerable children and young people, including orphans. The continuous physical and psychological violence suffered by victims have caused long-term physical, psychological and emotional trauma. They face challenges when trying to reintegrate into their communities, such as exclusion, stigmatization, post-traumatic stress and readjustment to civilian life. The activities the TFV support enable the empowerment of victims with a view to

<sup>1</sup> The TFV was established pursuant to Article 79 (1) of the Rome Statute, Rule 98 and of the ICC Rules of Procedure and Evidence, and Resolution 6 of the Assembly of States Parties ICC-ASP/1/Res.6 of 9 September 2002.

reintegrating them back into society and promoting reconciliation. The experience of people who benefitted from the TFV can be read [here](#).

## B. Why is the assistance to victims of crucial importance?

By assisting victims to return to a dignified and contributory life within their communities, the TFV contributes to the realization of sustainable and long-lasting peace through the promotion of restorative justice and reconciliation. Reparations to victims is an essential feature to help rebuild communities in situations under the investigation of the ICC and is a fundamental component of sustainable justice in the context of societies that have been affected by atrocities, including post-conflict recovery.

If victims of mass atrocities do not receive proper access to justice truth and reparations they will most likely take justice in their own hands. As a result, the repeated cycles of violence and retaliation will impede any stabilization and civilized coexistence that may bring about the opening of new spaces and markets for the global economy. **By investing into a fund for the benefit of victims of atrocities**, the donors not only contribute significantly to providing justice to victims, but also play a major role in achieving long-lasting peace and preventing conflict recurrence.

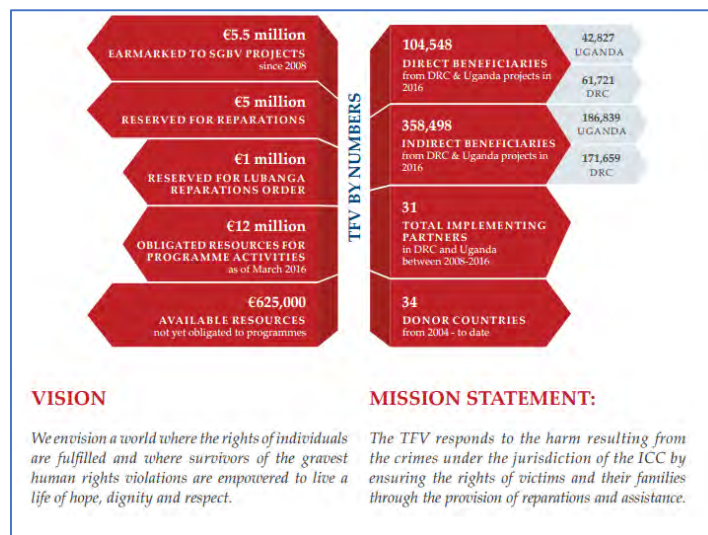
## C. Development of sustainable long-term resources

The TFV *“has 50% of the Court’s mandate and only 2% of its budget.”*<sup>2</sup>

The success and credibility of the TFV to ensure that the rights of individuals are fulfilled, and that survivors of the gravest human rights violations are empowered to live a life of hope, dignity and respect, strongly depends on its ability to develop and maintain its resource base.

Since its establishment, 34 States Parties have contributed over 20

million Euros to the Fund. However, to date, the Fund has been almost exclusively dependent on governmental support. Indicatively, in 2016, €3 million was raised by States Parties whereas only €8,000 (0.0026%) came from individual donors. In light of the planned expansion of the TFV’s mandate from two -Uganda and the Democratic Republic of Congo- to six situation countries - Côte d’Ivoire, Central African Republic, Kenya, and Mali, and the expected developments in on-going cases which can swiftly lead to more victims being entitled to reparations, proportionate resource growth will be required.



<sup>2</sup> Statement of the TFV’s Executive Director Pieter de Baan 21st session of the ICC-NGOs Roundtable meeting, held between 13-16 June 2017 in The Hague, The Netherlands

The financial support of €3 million raised in 2016 enabled the TFV to undertake these activities:

- Physical rehabilitation services to an estimated 3,708 victims through medical referrals, provision of prosthetics, orthotics, and physiotherapy
- Psychological care to 4,046 sexual gender based violence victims
- Psychological rehabilitation to 44,368 beneficiaries through individual and group counselling
- Around 2,389 children were reintegrated into school and received school material kits
- An estimated 4,325 victims received training and start-up funding in the forms of micro-loans to create small businesses both in groups and individually
- 840 public events were conducted on peace-building and to raise community awareness regarding the harms caused by sexual violence and how to change societal behaviours related to gender issues.

## II. EVENT DESCRIPTION

Participants of *the Strategic meeting on Support of Victims of Mass Atrocities* will consist of executives and legal representatives of major firms and conglomerates and officers in charge of corporate social responsibility initiatives. The event will be hosted on **28 September 2017** at the European Parliament in Brussels by Ms. Ana Gomes, MEP, and will also benefit from participation of TFV board members and members from all major parties represented in the European Parliament.

**The goal of the Strategic Meeting** is to **introduce the TFV's mandate** on reparations and assistance to victims of mass atrocity crimes **to the representatives of the corporate, business, and philanthropic communities**. This event's timing coincides with a renewed focus on *Corporate Social Responsibility (CSR)* by the European Parliament. A three-year strategy enacted in 2011 aimed to more closely align EU policies with the UN Guiding Principles on Business and Human Rights.<sup>3</sup> As a result, many companies have been progressively integrating CSR into their strategies.

The event aims to encourage unrestricted donations by the private entities to the TFV as a meaningful exercise of their CSR strategies. These contributions would enable the TFV to help victims of rape, torture, enslavement, murder, extermination, and other inhumane acts, while rebuilding communities which represents a fundamental component of sustainable justice. Such donations would express a powerful demonstration of the companies' concern for human rights and commitment to achieving a positive impact on society. Ultimately, as corroborated by studies<sup>4</sup>, integrating CRS benefits the companies themselves by, e.g., improving their public image, increasing media coverage, boosting employee engagement and attracting & retaining Investors.

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<sup>3</sup> The UNGPs are based on three pillars that outline the respective responsibilities of states and businesses: first, the state duty to protect human rights; second, the corporate responsibility to respect human rights; and third, access to remedy for victims of business-related abuses.

<sup>4</sup> See e.g. <http://www.nielsen.com/content/dam/niensenglobal/apac/docs/reports/2014/Nielsen-Global-Corporate-Social-Responsibility-Report-June-2014.pdf>, or <https://doublethedonation.com/why-corporate-social-responsibility-is-important/#corporations>