

THE CATALYTIC POWER OF REPARATIONS

15th Anniversary of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

16 December 2020, 14h30-16h00 CET (online)

Final Remarks by Ms. Alice Wairimu Nderitu Special Adviser to the Secretary-General on the Prevention of Genocide

Ladies and gentlemen,

I would like to express my deepest appreciation and gratitude for such productive and inspiring discussion and the powerful messages conveyed by victims and survivors of atrocious human rights violations and their representatives, by one of the founders and drafters of the Basic Principles, Prof. Theo van Boven, and by members of transitional justice mechanisms.

I would like to pay tribute to the immense bravery of our four panellists representing the voices of victims and survivors in Guatemala, Morocco, Timor-Leste and other countries, in sharing their powerful experiences in advocating for remedy and reparations and how it impacted the lives of victims.

We must listen to the voices of victims of serious human rights violations and atrocity crimes – this was the topic of the event my Office organized to mark the 72nd anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide and to remember the victims of this crime, - and analyse the outcome and impact of international justice, including criminal justice and reparation, on their lives.

While we all know the extent of how reparation and accountability can break the recurrent cycles of serious human rights violations, most victims have yet to receive and benefit from reparation. This implementation gap not only affects victims directly but can have long-lasting effects even across generations and entire societies with legacies of mistrust and institutional weaknesses. We must ensure victims' right to truth, justice and reparation which will in turn assist in preventing future crimes. I wanted also to highlight the words of Prof. Theo Van

Boven, on how the Guiding Principles of reparation remain an inspirational guide today, as they provide the normative standards, and the route to prevent the recurrence of serious human rights violations.

We have also learned experiences of reparation been granted by an international court – the Inter-American Court on Human Rights – in the case of one our panellists today, Mrs. Emma Molina Theissen, and the contribution on reparations by national transitional justice mechanisms in Sri Lanka and Tunisia.

We all agreed that to prevent the recurrence of serious human rights violations and atrocity crimes, it is essential that we ensure effective reparation and effective accountability for victims, including psychological and material assistance. And that we need to address Government's reluctance to implement reparation programmes, to ensure victims' right to truth, justice and reparation becomes a reality.

As Mr. Fabrizio Hochschild highlighted in his remarks, participants at the UN75 survey called for greater inclusion of civil society, women, youth, vulnerable groups. "We should speak with victims and their communities, instead of talking about them".

Let me highlight the fundamental role played by women in the design and implementation of justice and reparation programmes and mechanisms and ensuring the inclusion of a gender-based approach. We heard today powerful testimonies of women - Mrs. Emma Molina Theissen, Mrs. Fatna El Bouih, Mrs. Isabelinha de Jesus Pinto - on how they broke the silence and made this possible in Guatemala, Morocco and Timor-Leste. This will provide for a gender-lens to bring the voices of women not only to the forefront of the atrocity prevention process but to reparations as well. Too few victims of gender-related violations received reparation. Reparation programmes should in the extent possible also respond to structural inequalities and discrimination against women.

Victim's participation can significantly help improve the reach and completeness of reparation programmes and their implementation. Sustained solutions through reparations must come from victims and survivors, because

they know better what they really need to heal and rebuild their lives. We need to make victim's narratives a central feature of discussions on accountability and reparations. We need to integrate justice opportunities into the array of reparation tools, come closer to grassroots communities and bridge the gaps between them and the national and international levels.

I want to express the full support of my Office for the upcoming year-long series of events on such an important topic – the transformative power of reparations.

Let's renew our commitment with victims and survivors and make the words expressed by the High-Commissioner this morning a reality, to allow the power of reparation to heal survivors, families and communities and made them become part of wider society again, in equality and dignity.

I look forward to working with you to take this commitment forward.