

SEXUAL VIOLENCE. SEA RESCUE. MEASURES OF MEN.

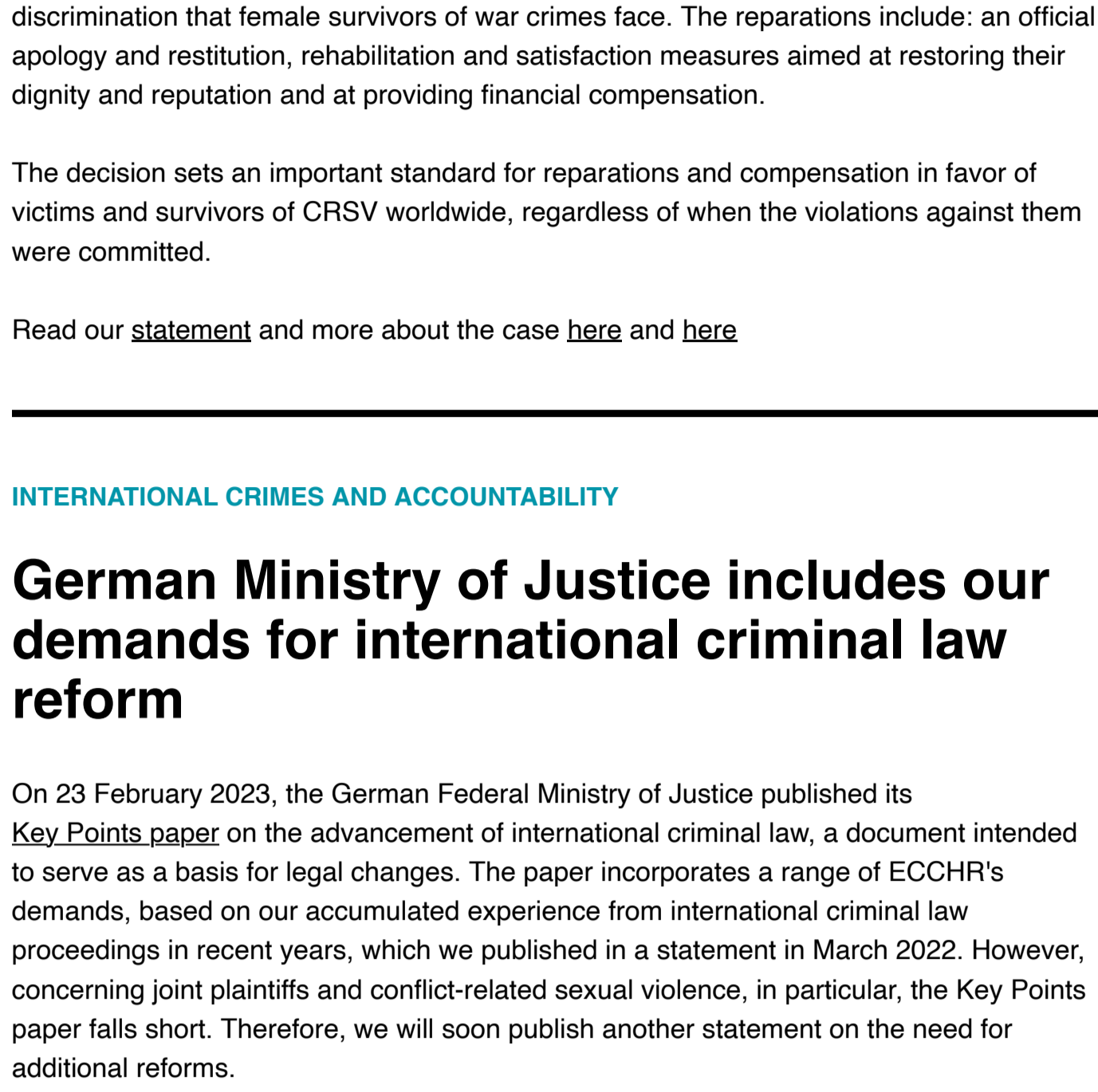
MARCH 2023 | NEWSLETTER 88

Conflict-related sexual violence (CRSV) has often been ignored in attempts to come to terms with war crimes in various armed conflicts, while its brutal impacts take on multiple forms in different societies across the world. When acts of sexual violence are systematically weaponized in wartime conflict, they amount to war crimes and must be treated accordingly.

In a landmark decision on the system of sexual slavery established by the occupying Imperial Japanese Army in the Philippines during WWII, the UN Committee CEDAW has recommended that 24 remaining women survivors – many now in their 80s and 90s – finally receive an official acknowledgment of and reparations for the suffering they endured.

Learn more about this case, among others, in this newsletter.

The ECCHR Team



The remaining members of the Malaya Lolos had waited more than 75 years for legal recognition of the suffering they endured © ECCHR

Legal recognition for victims of wartime sexual violence

During the occupation of the Philippines from 1942 to 1945, the Imperial Japanese Army established a system of sexual slavery. More than 1000 women were imprisoned as sexual slavery hostages. Even after 75 years, women survivors were still denied legal recognition of the abuse they suffered. Therefore, in November 2019, ECCHR and CenterLaw submitted a communication on behalf of 24 members of the Malaya Lolos ("Free Grandmothers"), an organization of affected women, to the Committee on the Elimination of Discrimination against Women (CEDAW), demanding official acknowledgment of and reparations for these crimes.

In a landmark decision on 8 March 2023, the CEDAW determined that the Philippines had failed to address the system of wartime sexual slavery and its consequences, recommending that the state provide full reparations to the Malaya Lolos. In contrast to war veterans, survivors of wartime sexual slavery had not received effective and adequate reparations. Thus, the decision tackles one of the many forms of ongoing structural discrimination that female survivors of war crimes face. The reparations include: an official apology and restitution, rehabilitation and satisfaction measures aimed at restoring their dignity and reputation and at providing financial compensation.

The decision sets an important standard for reparations and compensation in favor of victims and survivors of CRSV worldwide, regardless of when the violations against them were committed.

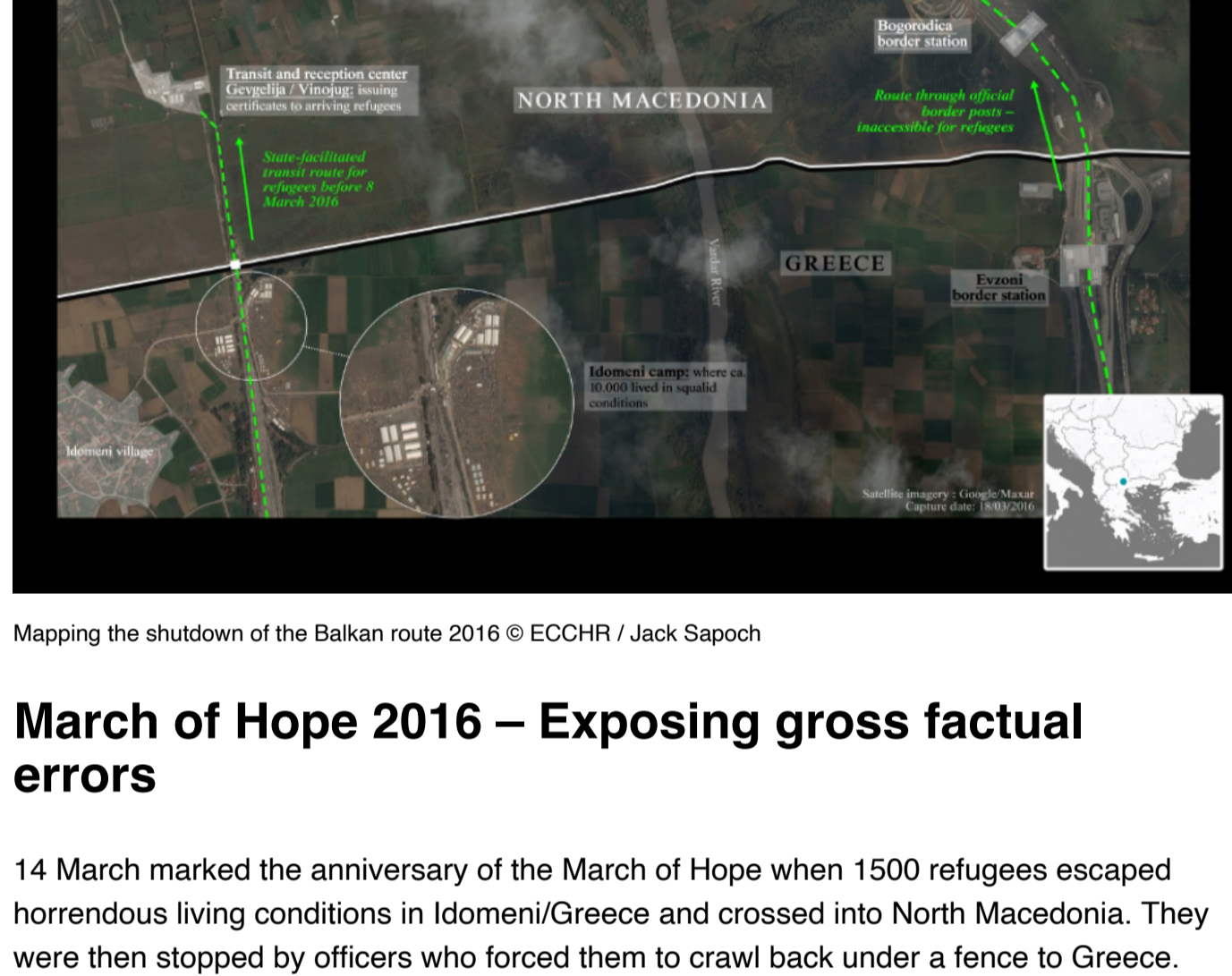
Read our [statement](#) and more about the case [here](#) and [here](#)

INTERNATIONAL CRIMES AND ACCOUNTABILITY

German Ministry of Justice includes our demands for international criminal law reform

On 23 February 2023, the German Federal Ministry of Justice published its [Key Points paper](#) on the advancement of international criminal law, a document intended to serve as a basis for legal changes. The paper incorporates a range of ECCHR's demands, based on our accumulated experience from international criminal law proceedings in recent years, which we published in a statement in March 2022. However, concerning joint plaintiffs and conflict-related sexual violence, in particular, the Key Points paper falls short. Therefore, we will soon publish another statement on the need for additional reforms.

[Read our statement](#)



The Bahay Na Pula (Red House) in which the Malaya Lolos were held hostage © Ramon F Velasquez / wikimedia.org

Pre-trial hearings on civilian sea rescue continue

25 February: The judge partially granted the Italian government's request to become joint plaintiffs, even as he acknowledged that the request contained errors. Subsequently, the defense argued that an Italian court should not have jurisdiction, due to the transnational nature of the alleged crime. The territorial competence of the Trapani Court was also questioned, as the "luventa" rescue ship was not registered in this region of Italy.

1 March: To convey the true gravity of civilian sea rescue, the luventa defendants presented a statement about the shipwreck of migrants and refugees that occurred on 26 February 2023 off the coast of Crotona, Italy, claiming the lives of more than 60 people.

15 March: The judge upheld Italy's jurisdiction and referred the decision on the territorial competence of the Trapani Court to the Supreme Court.

[Read and watch the statement](#)

[All trial monitoring reports](#)

LATEST UPDATES

Italy: No justice for Yemeni victims

Despite proven violations of the Arms Trade Treaty, Italy failed to hold managers of the arms manufacturer RWM, as well as Italian Export Authority officials, accountable for supplying arms to Saudi Arabia that were used in attacks against Yemeni civilians.

[Read more about the case and our legal analysis](#)

Ukraine: dossier and newsletter

Our web dossier explores approaches to accountability for international crimes committed in Russia's war against Ukraine, along with an introduction to our casework. A supporter newsletter on the case of the murder of Lithuanian filmmaker Mantas Kvedaravičius in Mariupol is also forthcoming.

[Visit our web dossier and register to receive the supporter newsletter](#)

Brussels: Due diligence in arms sector

On 26 March 2023, the anniversary of the Saudi-led airstrike campaign in Yemen resulting in massive civilian casualties, a joint NGO statement was sent to the European Parliament and EU member states, demanding that the EU Due Diligence Directive be extended to cover the arms sector across its entire value chain.

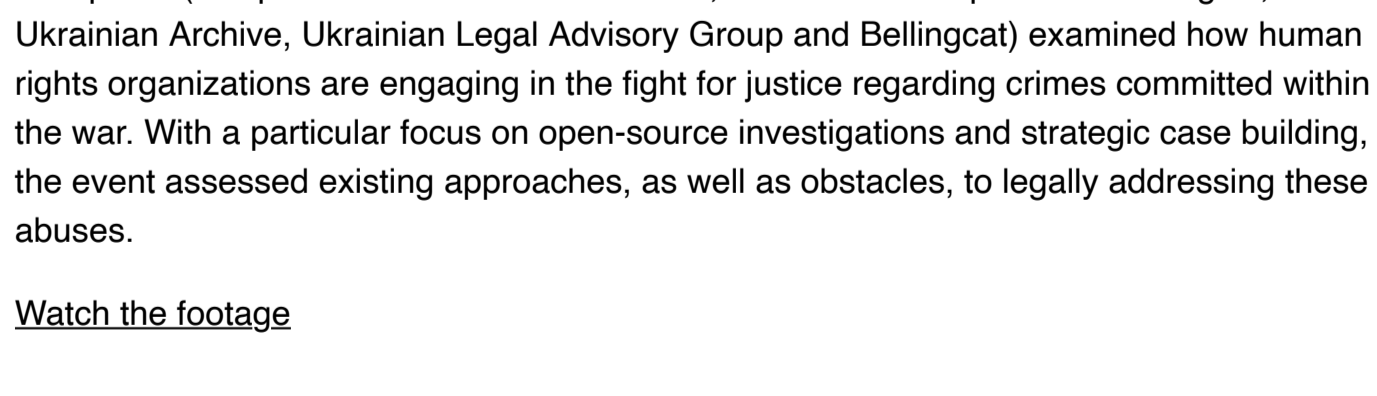
[Read more](#)

France: Lafarge decision postponed

The French Supreme Court postponed the decision on the charges against Lafarge for complicity in crimes against humanity and endangering the lives of its Syrian employees. The next hearing will be on 19 September 2023.

[Read more about the case](#)

BORDER JUSTICE

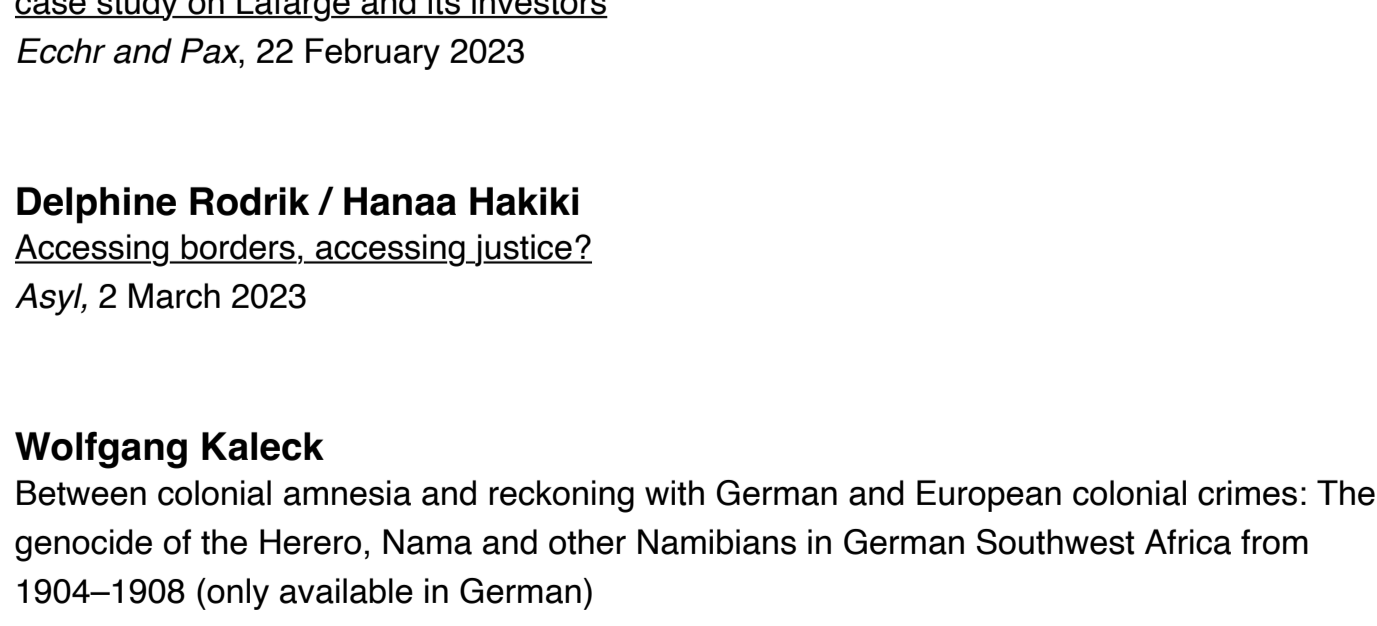


Sami Barkal (left) and Carsten Gericke before the LIBE committee at the European Parliament © European Union 2023 - Source: EP

Pushbacks at the European Parliament

On 1 March 2023 Sami Barkal, a Syrian refugee and partner lawyer before the European Court of Human Rights, and Carsten Gericke, ECCHR's attorney, addressed the LIBE committee at the European Parliament as part of a hearing on the rights of children on the move at borders. Sami recounted to MEPs the story of his pushback from Croatia to Bosnia, while Carsten addressed the systemic failure of states to individually register all refugees and migrants apprehended within their territory, as well as the lack of adequate age assessment protocols.

[Watch this hearing](#)



Mapping the shutdown of the Balkan route 2016 © ECCHR / Jack Sapoch

March of Hope 2016 – Exposing gross factual errors

14 March marked the anniversary of the March of Hope when 1500 refugees escaped horrendous living conditions in Idomeni/Greece and crossed into North Macedonia. They were then stopped by officers who forced them to crawl back under a fence to Greece. Eight refugees then took their case to the European Court of Human Rights to challenge this mass pushback. In its devastating conclusion last year, the court found that the refugees bore responsibility for their pushback because legal entry into North Macedonia was available to them via the official border crossing. On this anniversary, the Border Justice team further exposed the court's gross factual errors in this case by collating [maps](#), [statistics](#) and [new commentary](#).

INSTITUTE FOR LEGAL INTERVENTION



Measures of Men (Der vermessene Mensch) explores the connection between German ethnology and the racist brutality of German colonialism © Julia Terjung, STUDIOCANAL GmbH

Measures of Men

The film centers around the life of a German ethnologist whose university studies are bound up with evolutionist race theory and the practice of skull measurement – both of which were used to pseudo-scientifically legitimize the superiority of the white race. Although he finds this practice abhorrent, he nonetheless travels to what was then "German Southwest Africa" in search of skulls for the Berlin Ethnology Museum. There, he encounters the racist brutality of German colonialism against the Herero and Nama people.

ECCHR consulted with the filmmakers on legal and historical questions concerning the theft of ancestral artifacts and the genocide of the Herero and Nama by German forces. The [film](#) was released on 24 March.

FOR GLOBAL JUSTICE

The world can only be just when human rights are universally recognized and guaranteed for everyone. This is what we are fighting for across the globe: with those affected, with partners, with legal means. Thank you for helping us in our efforts to make this happen.

[Donate now](#)

ECCHR

Call for applications: International Summer School on Business and Human Rights Practice

ECCHR, the University of Erlangen-Nuremberg, and Tilburg Law School invite applications for an international summer school in Nuremberg in July 2023 (on-site only). The summer school is oriented toward advanced students and human rights practitioners who have prior knowledge of business and human rights and who are pursuing/wish to pursue a career in a civil society organization.

[Apply now](#)

Job opening at Forensis

Forensis is looking for a full-time Operations Coordinator. The job includes administrative tasks, as well as communication with internal and external stakeholders, especially in developing and coordinating our network and programming for the Investigative Commons.

[Apply now](#)

ECCHR welcomes new trainees

Leonie Hügemann, David Meißner and Ebrima Jarju joined the Critical Legal Training program in March as trainees

EVENTS

Global Assembly – “We require nothing less than a cosmopolitan idea of democracy and human rights”

How can the notion of universal human rights – already fought for in the European revolutions of the 18th and 19th centuries – be reconceived and realized globally today? On 14–17 May 2023, in commemoration of the 175th anniversary of the first German National Assembly in Paulskirche, activists from all over the world will gather in Frankfurt am Main to discuss this question and honor this historical event as the culmination of the liberal movement toward democratic participation, freedom and fundamental rights. Andreas Schüller, Head of International Crimes and Accountability at ECCHR, will participate in the event.

14 May 2023, Paulskirche, Frankfurt, Germany

[More information](#)

PAST EVENTS

Investigating Russia's war of aggression against Ukraine

This panel (composed of members of ECCHR, the Center for Spatial Technologies, Ukrainian Archive, Ukrainian Legal Advisory Group and Bellingcat) examined how human rights organizations are engaging in the fight for justice regarding crimes committed within the war. With a particular focus on open-source investigations and strategic case building, the event assessed existing approaches, as well as obstacles, to legally addressing these abuses.

[Watch the footage](#)

Joumana Seif receives Anne Klein Women's Award for 2023

On 3 March 2023 at the Heinrich Böll Foundation in Berlin, Joumana Seif, Legal Advisor at ECCHR, received the Anne Klein Women's Award for her work as a lawyer and activist defending women's rights and human rights, particularly in Syria. In addition to Seif's acceptance speech – which can be read [here](#) – the award ceremony featured speeches by Dr. Imme Scholz, who heads the Anne Klein Women's Award jury, and Lotte Leicht, EU Director of Human Rights Watch and ECCHR Advisory Board member.

Utopian space: Lecture and discussion with Wolfgang Kaleck

On 23 March at the medico-Haus in Frankfurt, Wolfgang Kaleck discussed the practice of legal human rights work and the notion of a concrete utopia of human rights – also the title of his book. The value of human rights is demonstrated in no small part by their enforceability. Although they are enshrined in many documents and treaties, when they are violated by companies, for example, "those affected almost completely lack access to justice," says Wolfgang Kaleck. How can this be changed, how can the "right to have rights" become a reality?

[Watch the footage](#)

PUBLICATIONS

Andreas Schüller
[What can't international criminal justice deliver for Ukraine?](#)
Verfassungsblog, 24 February 2023

Cannelle Lavite / Claire Tixeire / Eva Gerritse / Cor Oudes Lüth
[Funding conflict: Heightened human rights due diligence in conflict-affected areas, with a case study on Lafarge and its investors](#)
Ecchr and Pax, 22 February 2023

Delphine Rodrik / Hanaa Hakiki
[Accessing borders, accessing justice?](#)
Asyl, 2 March 2023

Wolfgang Kaleck
Between colonial amnesia and reckoning with German and European colonial crimes: The genocide of the Herero, Nama and other Namibians in German Southwest Africa from 1904–1908 (only available in German)
Published in:
The Right to Reparations: Germany's handling of fundamental injustice in its own history (ed. Valentin Aichler). Baden-Baden, 2023

Holcim's Climate Strategy Too little – too late
HEKS/EPER, January 2023

Let's stay in touch!

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