

Event Summary

Panel discussion on a victims' rights approach on sexual exploitation, abuse or harassment

29 January 2024 | ECOSOC Chamber, United Nations Headquarters, New York

Overview

On 29 January 2024, the Victims' Rights Advocate, Assistant Secretary-General Jane Connors, convened a panel discussion on 'a victims' rights approach to sexual exploitation, abuse or harassment.' The event featured Ms. Suzie Miller, playwright and author of *Prima Facie*, an award-winning play addressing the challenges faced by victim/survivors of sexual assault. The panel included Ms. Catherine Pollard, the United Nations Under-Secretary-General for Management Strategy, Policy, and Compliance, and Ms. Kirsi Madi, Assistant Secretary-General and Deputy Executive Director for Resource Management, Sustainability, and Partnerships at UN Women.

Summary of remarks by panelists

The Victims' Rights Advocate expressed her commitment to ensuring the rights and dignity of victims at every stage of prevention and response. She provided insights into the role of the Victims' Rights Advocate and Senior Victims' Rights Officers in maintaining direct contact with victim/survivors, offering advice, and fostering a victims' rights-based approach. Ms. Connors delved into the effectiveness of interactive, scenario-based discussions as advocacy tools. She highlighted their power to change the mindset from focusing on the perpetrator to the victim's rights, fostering dialogue, empathy, and contributing to institutional change. The use of scenes from *Prima Facie* aimed to stimulate discussion on the victims' rights approach in addressing all forms of sexual misconduct.

Ms. Suzie Miller described the background to the creation of *Prima Facie* and its impact. She highlighted the gendered nature of the legal system, emphasizing its inherent bias, especially in sexual assault cases where the odds are often stacked against victims as witnesses to the events. Ms. Miller underscored the sustained prevalence of rape myths and victim-blaming, explaining that societal expectations often undermine the credibility of victims, further hindering their pursuit of justice.

Ms. Miller pointed out that the impact of trauma on consistency in a victim's recounting of details is often overlooked which leads to false conclusions about the veracity of the facts. Additionally, she challenged traditional notions of the fight or flight response, pointing out that women more frequently employ the "freeze or friend" response as a survival mechanism when confronted with violence. She emphasized that these reactions, rooted in physical and psychological self-preservation, are frequently misunderstood in legal settings and that this reinforces stereotypical misconceptions about consent.

Ms. Catherine Pollard discussed United Nations efforts to embed a victim-centered approach to sexual harassment. She acknowledged the progress made in policy development, accountability measures, and support mechanisms. She emphasized the importance of cultural change, highlighting initiatives undertaken by the Chief Executives Board Task Force on Addressing Sexual Harassment within Organizations of the United Nations System, including the crafting of principles on a victim-centered approach to sexual harassment endorsed by the High-level Committee on Management in 2021, as well as the implementation of policies and practices aimed at preventing and responding to sexual harassment effectively.

Ms. Kirsi Madi's closing remarks emphasized the impact of sexual violence on women and girls globally. She underscored the need for legislative enforcement and a victim-centered approach. UN Women's initiatives, such as the Spotlight Initiative, were highlighted, along with advocacy for gender parity and partnerships to prevent sexual harassment. She commented on the value of having a strong advocate for victims, such as that of the Victims' Rights Advocate, who plays an independent voice focused on elevating victims' rights within United Nations and other entities.

Q & A

Four questions were put to the panelists during the Q & A session.

1. What is the impact, legally and for the victim, if there were a shift in the burden of proof requiring the alleged offender to prove consent?

The panel commented that, in almost all jurisdictions, the burden of proof regarding consent falls solely to the victim to prove that (a) they did not consent; and (b) that the perpetrator *knew* that the victim was not consenting. Once the victim proves that they did not consent, the burden should shift to the perpetrator to prove why they believed that the victim *did* consent. This will shift pressure from the victim to have to prove the state of mind of the perpetrator at the time of the assault.

2. Based on the reactions you received after the play was performed have you identified concrete actions which could be taken in the immediately or in the longer term to support recognition of the rights of victims?

The panel responded that educating judges is essential, as they have the authority to decide that rape myths are not appropriate in their court and preclude humiliating accusations against victims and overzealous or unfair cross-examination.

3. To what degree can materials like the play and other art and literature be used within the United Nations in training, including ways to address challenges in administrative and disciplinary processes related to sexual misconduct, including in dispute and appeals tribunals?

The panel noted that, based on feedback from existing programmes, scenario-based training is very effective and should be used more frequently. By being confronted with and considering different situations, staff are given an opportunity to discuss cultural norms and misconceptions. However, more could be done to integrate creative works such as the *Prima Facie* play and other theatre-based training sessions. Such an approach allows different perspectives on the challenges that victims may face to surface which can inform the development of policies and programmes. *Prima Facie* itself has been included in training events for prosecutors, defence lawyers, law enforcement actors and judges and affected behaviour and outcomes thereby indicating the potential efficacy of the play itself and similar works as an educational tool within the UN system. Creative works can raise awareness and by portraying the experience of victims foster empathy and understanding among personnel, contributing to a more victim-centered rights-based approach to addressing sexual misconduct.

4. What are the next steps that can be taken at the United Nations?

The panel considered that in addition to raising awareness, including through theatre and other creative approaches, the United Nations could consider inclusion of psychologists and those

trained in dealing with trauma in administrative, disciplinary and appeal processes related to sexual misconduct. Respecting the rights of victims throughout accountability processes would reduce trauma, including where misconduct is not established as victims would be appropriately cared for throughout. The panel also encouraged the introduction of recurrent education on consent, including in schools from an early stage and beyond and fostering safe spaces for dialogue on acceptable behaviour.

Common themes and areas for change

1. Scenario-based and experiential training can be used to encompass a wider range of contexts and scenarios, so that training is contextualised to real-life instances of sexual misconduct.
2. Education of judges, investigators and lawyers is essential, and integrating creative modalities in training aids in providing multiple perspectives on a victim's experience.
3. Broadening understanding of how those affected respond in situations of sexual misconduct is necessary and should be supported by legislative reform and practice directions to guide decision-makers and others.