

*The following open-ed by former President FW de Klerk was published by The Guardian on 10 March 2021.*

## **TO PROTECT WOMEN FROM VIOLENCE TODAY, WE MUST SECURE JUSTICE FOR VICTIMS IN THE PAST**

*By FW de Klerk*

South Africa's former president during apartheid calls for the pandemic to be a turning point in strengthening the rule of law and empowering survivors.

Violence and sexual assault have surged across the globe since the onset of Covid-19, in what the UN has called a "shadow pandemic". Even before the pandemic, one in three women experienced physical or sexual assault globally, the World Health Organization reported this week.

In Africa, the impact has been particularly acute. In the first half of 2020, a rise in reported cases prompted Liberia's President Weah to declare rape and all forms of gender-based violence a national emergency.

The UN's mission in Central African Republic reported a 27% increase in instances of rape, and in Kenya 4,000 schoolgirls reportedly became pregnant during school closures, many at the hands of relatives and state officials.

The same has happened in my country, South Africa. Gender-based violence (GBV) has been exacerbated by lockdown measures, making girls and women more vulnerable to attack and reducing their ability to access support systems.

Support centres recorded a 65% increase in calls from women and children confined to their homes. Last year, President Cyril Ramaphosa announced the establishment of a GBV national council - but rape and femicide continue unabated.

The rule of law, access to justice and due process are core components of gender equality, and remain the foundation through which people's rights can be upheld and enforced. However, courts have closed, trials have been suspended and victims have fewer legal services available at a time when they need them the most. As noted by the UN Office on Drugs and Crime, "resources are being diverted away from the criminal justice system towards more immediate public health measures to deal with Covid-19".

Problems persisted well before the pandemic. Deep societal divisions, political strife and underfunded institutions have tested the rule of law in many countries, leading to civil unrest, and often war. In these situations, limited state authority and lawlessness favour the prevalence of sexual violence and enable a culture of impunity.

Recognising that a weakened rule of law facilitates the conditions that enable sexual violence, the international community has in recent years taken steps to strengthen governments' ability to deliver justice for survivors.

In 2009, the UN security council established a team of experts to support national legal systems to address impunity, enhance criminal accountability and encourage an holistic approach to address sexual violence in conflict.



The team of experts has since led impactful engagements in some of the world's most challenging contexts, including Central African Republic, Mali and Sudan. Furthermore, the momentous creation of two ad hoc international criminal tribunals for the former Yugoslavia and Rwanda saw firm resolutions from the international community that incidents of sexual violence should be punished, and perpetrators should bear criminal responsibility. Successful prosecutions have followed, providing hope for many.

However, if we are to root out the issue of sexual violence in its entirety, our efforts to ensure that legal protection and remedies are afforded to present-day victims must be accompanied by a concerted effort to secure justice for victims of historic war crimes.

For many survivors, justice remains unobtainable. The Lai Dai Han are the dual-heritage children of Vietnamese women raped by South Korean soldiers during the Vietnam war. They have been waiting for justice for many decades, during which they have faced stigma, shame and prejudice. Despite their plight, the government of South Korea has never acknowledged the Lai Dai Han, nor investigated the allegations. Without securing justice for disenfranchised groups, the international community is not doing everything possible to tackle sexual violence and hold all perpetrators accountable.

We are living at a pivotal moment in history when we have the opportunity to craft a more equal, just and peaceful world.

Safeguarding women is contingent on rectifying the past. Holding perpetrators accountable, irrespective of how long ago the crime was committed, is essential to stamping out impunity and preventing future atrocities. As noted last year by Pramila Patten, the UN special representative of the secretary general on violence in conflict: "There are countless stories that are shrouded in silence and left off the historical record ... in this climate of intersecting crises ... it is time to amplify and unmute the voices of women."

However, as we in South Africa have learned, the struggle against gender-based violence will require more than legislation and pious political speeches. It will require fundamental changes in deep-seated patriarchal relationships and in chauvinistic male mindsets that fail to respect the essential equality, humanity and inviolability of half the population of the world.

We are living at a pivotal moment in history, where we have the opportunity to craft a more equal, just and peaceful world.

Let us use the crisis as an opportunity to apply lessons learned, rectify previous misgivings, and support our neighbouring states to strengthen the rule of law and empower survivors of injustice.

<https://www.theguardian.com/global-development/2021/mar/10/protect-girls-women-violence-sexual-assault-justice-past-victims>