

FROM “GENDER-SENSITIVE” TRANSITIONAL JUSTICE TO GENDER INCLUSIVITY

PRACTICAL LESSONS FROM GIJTR



Women in Nepal observe a mural, which they helped paint, in honor of their missing loved ones. (Photo credit: Martin Travers/National Network of Families of the Disappeared and Missing in Nepal)

IN BRIEF

THE PROBLEM

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number of post-2000 truth and reconciliation commissions that have at least 50% female commissioners¹

ONLY 3%

percentage of transitional justice provisions in peace agreements between 1990–2016 that incorporated any gender-related approach²

On average, activities that address women's needs or advance gender equality make up only

4%

of multilateral budgets designed to assist communities post-conflict.³

THE SOLUTION

Women's participation in peace negotiations makes a peace agreement **35% MORE LIKELY TO LAST LONGER THAN 15 YEARS**. States with higher levels of gender equality are more peaceful and secure.⁴

INTRODUCTION

Grounded in lessons learned from the work of the Global Initiative for Justice, Truth, and Reconciliation (GIJTR), this policy brief recommends ways for state-led mechanisms, civil society organizations, and donor institutions to meaningfully adopt a gender-inclusive approach to transitional justice by centering the multiplicity of women's realities during and after periods of conflict or oppression.

1 Valji, Nahla. *A Window of Opportunity. Making Transitional Justice Work for Women*. UN Women, Oct. 2012.

2 Jamar, A. and C. Bell (2018). *Transitional Justice and Peace Negotiations with a Gender Lens* (Gender Briefing Series). UN Women.

3 Beteta, Hanny Cueva, and Limon B. Rodriguez. *Planning and Financing for Gender-Responsive Peacebuilding*. UNIFEM. 2010.

4 "Council on Foreign Relations." *Women and Peace Processes*. [Web link](#).

SUMMARY

Twenty-one years after the United Nations Security Council resolution 1325 affirmed the fundamental nature of women's participation in post-conflict reconstruction and peacebuilding, gender sensitivity within transitional justice is a too-often-limited, superficial undertaking, at best.

In many cases, it remains overlooked and perceived to be superfluous, rather than essential to, addressing histories of violence in a comprehensive and meaningful way. Despite common acknowledgment that conflict disproportionately affects women's health, safety, and human rights (African Union Transitional Justice Policy, 2019), and arguments that post-conflict issues such as justice, truth, and reconciliation have specific and distinct implications for women (Pankhurst, 2008), there has been uneven progress toward gender inclusivity in transitional justice. A 2018 UN Women report found that only 3 percent of transitional justice provisions in peace agreements from 1990 - 2016 incorporated any gender-related approach-in contrast to relatively robust research and policy awareness on the issue (Jamar & Bell, 2018).

In cases where gender is considered explicitly within transitional justice processes, it is commonly restricted to addressing sexual and gender-based violence (SGBV), thus overlooking the multiple types of violations to which women are often subjected to in conflict and periods of oppression. These could include violations of women's economic, social, and cultural rights-often rooted in structural gender inequality that existed long before a conflict started-as well as the direct and indirect impact of non-gendered violations on women. For example, when thousands of Sri Lankan adult males went missing during the country's civil war, many women family members were left impoverished and subjected to multiple displacements (Centre for Policy Alternatives, 2015).

While the increasing codification of SGBV as a punishable crime in international law is commendable, a truly gender-inclusive approach to transitional justice must also reflect women's varied roles in conflict beyond that of victims and survivors.

Women who become combatants, peace-builders, or community leaders often find their extraordinary experiences missing from post-conflict narratives. Others who become the family breadwinner when a loved one is away, missing, or killed find that they are expected to return to more traditional gender norms when the conflict is over.

Transitional justice can represent a unique opportunity for societal transformation and a chance to not only address the specific violations in the period under examination, but also challenge existing structural inequalities and thus benefit broader swaths of society. In too many cases transitional justice measures replicate, rather than transform, existing gender inequalities. In all cases, it is critical for women to be actively engaged in transitional justice in order for any peace achieved to be sustainable (Paffenholz et al., 2016).

THE GLOBAL INITIATIVE FOR JUSTICE, TRUTH, AND RECONCILIATION

In 2014, the International Coalition of Sites of Conscience (ICSC) launched the Global Initiative for Justice, Truth, and Reconciliation (GIJTR), a consortium of nine international organizations focused on offering holistic, integrative, and multidisciplinary approaches to issues of truth, justice, and reconciliation. GIJTR works primarily with local populations, civil society organizations, survivors, and governments to develop transitional justice approaches that are victim centered and collaborative and support dignity, respect, inclusion, and transparency in societies emerging from conflict or periods of authoritarian rule. Since its founding, GIJTR has engaged with people from 72 countries, worked with 681 CSOs, and has conducted 323 community-driven projects, and supported 5,040 initiatives dealing with human rights violations.

For more information, please visit gijtr.org.



GIJTR

Global Initiative for Justice
Truth & Reconciliation

KEY FINDINGS

Gender inclusivity should be a key consideration throughout the life cycle of a transitional justice process, from formative activities such as consultations and throughout the mandates of formal mechanisms, to the period that follows the close of such mechanisms, when “breaking with the past” continues in the realms of everyday legislation, policymaking, and community-based work. In order for transitional justice processes to address the past in a meaningfully gendered way, their design and functioning must be grounded in the lived realities of women. As evidenced by Sadiyya Haffejee’s research in the GIJTR publication *Women and Transitional Justice: Perspectives from the Ground*, these realities can often include caregiving in addition to working in and out of the home. Transitional justice processes must recognize and accommodate such competing logistical demands in order to ensure that women can contribute to national debates around truth, justice, and reconciliation issues.

Women are not a monolithic group, and their diverse experiences during conflict and authoritarianism elicit distinct transitional justice needs, depending on their role as survivors, peace-builders, combatants, or-most likely-a combination of positions and identities. These roles are often further compounded by issues such as illiteracy, poverty and unemployment. Women who’ve had different experiences are often stigmatized by their communities and marginalized by their families for their role in the war or their victimization. While truth, justice, and reconciliation will necessarily look different for them, their actions-large and small-must also be celebrated. Particularly in traditionally patriarchal societies, the gains these women make must also continue to be supported and shared as lessons for new generations of women.

Formal processes such as truth commissions, state reparations policies, and criminal accountability mechanisms must be structured in a flexible and deliberate way to contain this range of needs. But where they fall short, GIJTR work in transitional contexts has shown that local-level initiatives can fill gaps left by state-led mechanisms. Grassroots-level work- particularly initiatives led by women-often uses innovative and adaptive methodologies that are more accessible to women, more responsive to their needs and better able to protect survivors from possible shame and stigma. Through institutional support and technical capacity building, this work can inform and help shape formal mechanisms to be more gender inclusive by modeling successful approaches and broadening public engagement in truth, justice, and reconciliation issues.

CASE STUDIES

GAMBIA: LOCAL TRUTH-TELLING INITIATIVES FILL THE GAPS LEFT BY STATE-LED COMMISSIONS

The December 2016 election of opposition candidate Adama Barrow in Gambia marked an end to more than two decades of authoritarian rule under former president Yahya Jammeh and ushered in the initiation of transitional justice processes, most visibly a Truth, Reconciliation, and Reparations Commission (TRRC) that operated between 2019 and 2021. GIJTR’s 2019 needs assessment in Gambia finds that the country’s



Women gather for a listening circle held in New Jeshwang, Gambia by Women in Liberation and Leadership - WILL, in 2021. WILL is a local partner of the International Coalition of Sites of Conscience, which launched GIJTR in 2014.

official consultations in 2017 around the creation of TRRC were largely perfunctory-taking place after the TRRC bill was already drafted-and did not take into account practical obstacles to women's participation, thus effectively excluding their voices. For example, the consultations took place in town halls throughout the country around midday when most women needed to be at home, cooking or doing other daily chores. Once operationalized, TRRC's overly court-like structure, highly visible televised hearings, and inadequate engagement with rural and marginalized communities, particularly women, contributed to a commission that was largely not conducive to women's engagement. Halfway through TRRC's mandate, only 51 of the 188 witnesses who testified before the commission were women, despite the magnitude of their suffering under Jammeh's regime. Many women testified via the televised hearings have faced intense public backlash and shaming, as have their family members. Furthermore, while LGBTQ+ persons were persecuted, tortured, subject to life imprisonment, and, in some instances, forced to leave the country under Jammeh's regime, the extent of these cases remains unknown as survivors fear reprisal and being further victimized and stigmatized by their families and communities.

In order to ensure that women's narratives and expectations do not go unheard, GIJTR partner Women in Liberation and Leadership (WILL) leads small-scale Listening Circles throughout rural Gambia, with a flexible methodology that is reliant on local capacity and serves as a platform for women and hard-to-reach communities (such as LGBTQ+ persons) to share their experiences, receive support in accessing TRRC and benefit from psychosocial support. In contrast with the TRRC's monolithic procedures that can potentially expose individual survivors to shame and stigma, Listening Circles also serve as a community-based approach to identifying the varying experiences and needs of women in the transitional justice process. They have also directly informed the TRRC's outreach and witness protection measures. For example, following a Listening Circle with women from Sintet who were accused by Jammeh of being "witches," WILL communicated to TRRC how the women's obstacles to testifying could be overcome. As a result, TRRC offered to provide free transportation and food for the survivors' travel to and from the nearest TRRC hearings in order for them to take part. However, some practical challenges remained: Most of the women expressed that, while they want people to know the truth of what happened to them, they did not want to testify on camera, and off-camera testimonies were only granted following an application process-effectively eliminating the illiterate, as well as marginalized communities, who had not been adequately informed about their options.

SRI LANKA:

PRACTICAL SOLUTIONS FOR FACILITATING WOMEN'S LEADERSHIP ON TRANSITIONAL JUSTICE

In the years immediately following the 2015 co-sponsored United Nations (UN) resolution, Promoting Reconciliation, Accountability and Human Rights in Sri Lanka, GIJTR saw a need to implement specific measures in order to sustain engagement of Sri Lankan women in post-conflict truth, justice, and reconciliation initiatives. While it was critical for women-as survivors, trusted community members, peace-builders and former combatants-to actively shape the country's then-nascent transitional justice process, many women cited domestic responsibilities as an obstacle to their ability to assume leadership roles in the multi-ethnic and multi-religious coalition of local organizations GIJTR supported. Among other revised measures to facilitate women's leadership in the coalition, partners now host multiple, single-day workshops in each region, so that women do not have to travel long distances and stay overnight

in order to participate. The network also prioritizes recruiting women for desk officer positions, which provide greater flexibility for them to work within their own province and determine their own schedule for directing local awareness-raising and truth-telling activities.

BANGLADESH: PARTICIPATORY METHODOLOGIES EXPAND ACCESS TO GENDER JUSTICE

GIJTR has worked with Rohingya women in Bangladeshi refugee camps since early 2019, training them to be community documenters as well as local resources around human rights and gender justice. In contrast with a “one-size-fits-all” approach to training that typically would engage only established community leaders, or privilege English skills, the experiential learning approach employed by GIJTR partners in the camps uses flexible participatory methodologies that allow all women to join, irrespective of literacy levels, education or previous understanding of justice mechanisms and human rights. More than one-third of recent women participants were illiterate, and the majority were unemployed. In this way, the network of community facilitators now includes civil society leaders, as well as more-vulnerable women, who are not members of established organizations, all working together as equals. Accessible approaches such as these are particularly valuable, since women are more likely than men to be illiterate (2019 UNICEF study), employed in the informal sector, or unemployed altogether. (2020 UN policy brief).



Rohingya women gather together during a 2020 GIJTR self-care workshop lead by GIJTR partner Asia Justice and Rights and the Liberation War Museum in the Rohingya refugee camps in Bangladesh.

RECOMMENDATIONS

FOR STATES AND FORMAL TRANSITIONAL JUSTICE MECHANISMS:

- **Hold extended, flexible consultations to inform design of transitional justice measures:** Meaningful engagement of women across geographic and socio-economic boundaries requires innovative techniques that can be adapted to “meet women where they are” in order to understand their specific needs and expectations.
- **Involve women as decision-makers at each stage of a transitional justice process:** Women are best placed to create mechanisms and policies to address their unique needs. This encompasses the need for women decision-makers during peace negotiations, which can include transitional justice provisions.
- **Incorporate economic, social, and cultural rights violations into the scope of violations examined:** Approaching violations holistically is critical for addressing women’s disproportionate suffering during conflict

and authoritarianism. Oppression and marginalization manifest through direct as well as cultural and structural violence-and these forms of violence often work to reinforce the social and economic position of oppressed groups, including women.

- **Implement comprehensive protection and anonymity measures for survivors and witnesses:** Women who testify publicly-and their family members-are particularly vulnerable to retribution and stigmatization. In particular, many state-led transitional justice processes' protective measures extend only to safeguarding witnesses' and survivors' physical well-being, and do not adequately address the rising problem of online harassment, particularly of women.
- **Prioritize prolonged and repeated outreach to women:** This is critical for building women's trust in institutions and ensuring that any truth-telling or accountability mechanism's witness protection and outreach measures are adaptive and secure.
- **Design varied and tailored reparations schemes:** Driven by broad consultations and women decision-makers, a comprehensive reparations policy for women survivors should be distinct from a general redress plan. It should also be wide ranging in its acknowledgment of the varied impacts of conflict and authoritarianism on women, regardless of whether the violation itself was gendered.
- **Support public memorialization of women's narratives:** Women's experiences of conflict as survivors, peace-builders, and combatants are often excluded from state narratives of peace and conflict. A diverse range of innovative methodologies are required to ensure that women's varied roles are preserved and disseminated as part of a country's collective memory.

FOR LOCAL CIVIL SOCIETY:

- **Foster partnerships to advocate for gender inclusivity in transitional justice:** A proactive, collaborative civil society can pressure, inform, and serve as a "watchdog" in order to ensure that the international community views gender inclusivity as integral to sustainable peace.
- **Draw on community relationships to address gaps in formal processes:** As seen in GIJTR's work in Gambia, grassroots-level organizations' flexible methodologies and long-established trust with women can fill gaps that, due to their limited mandates and budgets, state-led processes often leave around truth-telling and justice. Learnings from local-level work can also help shape and inform state-led transitional justice institutions to be more responsive to women's needs.
- **Facilitate alternative ways of documenting women's narratives:** Many women want to share their stories with others but are unwilling or unable to testify at a truth commission or in a courtroom setting. Arts-based and community-led methodologies can be less-threatening means for women and other marginalized groups to share their experiences, regardless of their literacy level or employment status.

40%

**PERCENTAGE OF CIVIL CONFLICTS
FROM 1979-2009 IN WHICH WOMEN
PARTICIPATED AS COMBATANTS**

Braithwaite A. and L.B. Ruiz. "Female combatants, forced recruitment, and civil conflict outcomes." *Research & Politics*, April 2018.

FOR DONORS AND INTERNATIONAL NGOS:

- **Consider practical barriers to women’s participation in on-the-ground activities:** Incorporating flexibility into budgets and program plans can allow for adaptations that accommodate women’s competing responsibilities at home, as seen in GIJTR’s work in Sri Lanka.
- **Support local women-led organizations, particularly outside urban centers:** Longer-term institutional support to women’s organizations and victims’ associations, instead of only project-driven funding, can be particularly transformative in ensuring greater representation, awareness raising, and basic support for women.
- **Support research on how transitional justice can address the specific needs of survivors who identify as LGBTQ+:** Stigma and cultural norms often lead to the invisibility of LGBTQ+ survivors and other gendered experiences in a transitional justice process.

FURTHER READING

- Haffejee, Sadiyya. 2020. *Women and Transitional Justice: Perspectives from the Ground*. International Coalition of Sites of Conscience. (<https://gijtr.org/wp-content/uploads/2021/04/GIJTR-Women-Transitional-Justice-Perspectives-Toolkit.pdf>).
- Janakiramanan, Gowri. 2019. *Understanding and Addressing Violations of Economic, Social and Cultural Rights in Transitional Justice: An Assessment Tool*. International Coalition of Sites of Conscience. (<https://www.sitesofconscience.org/wp-content/uploads/2020/02/ESCR-Assessment-Toolkit-final-1.pdf>)
- Robins, Simon, ed. 2020. *“Pathways of Innovation: Civil Society Advancing Transitional Justice.”* International Coalition of Sites of Conscience. (<https://www.sitesofconscience.org/wp-content/uploads/2020/03/Pathways-of-Innovation-Toolkit-2.pdf>).

ENDNOTES

- 1 The terms “gender inclusive” and “gender mainstreaming” are sometimes used interchangeably by states, practitioners, and others. This brief uses “gender inclusive” because of its focus on transforming consciousness around the implications of transitional justice measures for women, as opposed to “gender mainstreaming” which can sometimes be distorted into tokenism or an exercise in semantics (e.g., “he” is merely changed to “s/he” in relevant documents).
- 2 Gambia TRRC. *“Interim Report”*, pp. 13, 2018-2019.



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