

ICTJ, Gender, and Transitional Justice

Gender-based violence has been endemic in recent conflicts throughout the world and has resulted in women being disproportionately affected as both casualties of violence and as internally displaced persons. The reality is that gender-based violence has often been dismissed as an unfortunate consequence of conflict, resulting in widespread impunity for these crimes and general tolerance of gender-based violence in post-conflict societies.

The pursuit of gender justice through transitional justice mechanisms offers a means to address these abuses and confront the wide-spread impunity for gender-based violations. It also provides an opportunity to promote women's leadership, enhance access to justice, and build momentum for fundamental women's rights reform. Within this framework, ICTJ's Gender Justice Program seeks to promote truth, justice, and accountability for gender-based human rights violations.

While recent transitional justice mechanisms have been innovative in developing means to address gender-based crimes, these mechanisms continue to fail victims. This is in large part because the current discourse on gender and transitional justice needs to be broadened to better address the full range of gendered experiences of conflict.

—Gender and Transitional Justice in Africa: Progress and Prospects

CONTEXTS FOR PROMOTING GENDER JUSTICE

Despite increased international attention to the gender dimensions of conflict the transitional justice field remains largely gender-blind. Significant developments such as the growth of international jurisprudence on gender-based violations and resolutions such as UNSCR 1325 and 1820 on women, peace, and security have not been mirrored by the coherent integration of gender-justice concerns in transitional justice initiatives. As such, despite some ad-hoc efforts to integrate gender-awareness into programming, policy, and interventions, recent examples have shown that truth commission mandates, judicial opinions, and policy proposals for reparations and reform are usually written, interpreted, and implemented with little regard for the distinct and complex nature of gender-based violations.

Neglect of gendered patterns of abuse ultimately limits women's and men's access to justice. It entrenches impunity, limits the reach of reparations programs, distorts the historical record, and undermines the legitimacy of transitional justice initiatives.

Critical to achieving gender justice is the participation of women's rights groups and victims in shaping and implementing transitional justice policies. While women's organizations are generally not present and women are severely underrepresented at the table where peace agreements are negotiated, transitional justice mechanisms offer women other opportunities to participate in and influence the peace-building process.

Transitional justice policies can powerfully address structural causes of gender inequality. Truth commissions increasingly document patterns of gender-based violence and investigate the root causes of conflict. In Sierra Leone, for example, the truth commission used its documentation of gender-based violence to recommend changes in discriminatory laws that made women vulnerable to violence during and after the conflict. Thus, gender-inclusive transitional justice measures can both bring women into peace-building processes and facilitate post-conflict stabilization.

ICTJ'S GENDER JUSTICE PROGRAM

Founded in 2005, ICTJ's Gender Justice Program seeks to promote truth and accountability for gender-based human rights violations. Since its inception, the program has sought to mainstream gender concerns in ICTJ's activities, as well as to provide new insight around the intersection of gender and transitional justice. The program benefits from ICTJ's ability to conduct sophisticated analysis in varied country and regional contexts, combined with its strong emphasis on local partnerships.

ICTJ'S STRATEGIC OBJECTIVES

Increase women's participation, leadership, and expertise in transitional justice. Women and their priorities have been underrepresented in transitional justice processes. When governments, multilateral institutions, and civil society groups involved in transitional justice are open to gender-inclusive programming, expertise is often scattered or not readily available. ICTJ's partnerships with the UN, other multilateral and bilateral institutions, and key local human rights and women's groups are designed to help improve women's participation in transitional justice initiatives, and create a critical mass of women leaders with transitional justice expertise. As such, the Gender Justice Program assists gender activists across the globe with technical support and access to the language of transitional justice in order to augment their ability to influence post-conflict transitional justice processes. These efforts include building capacity around the concepts of transitional justice before mechanisms have been put in place, as well as devising initiatives to allow women platforms to feed into ongoing processes.

Strengthen the field of gender and transitional justice through knowledge production and exchange. ICTJ's counterparts in civil society, government, and multilateral institutions have identified a number of challenges to integrating gender considerations into transitional justice processes. These include a lack of comprehensive gender-specific materials to guide local processes, and an absence of trained local and regional technical experts who can support transitional justice and gender work. The Gender Justice Program is working to fill these gaps through its ongoing analysis of the gender dimensions of transitional initiatives across the globe. The lessons learned and best practice methodologies established through this research have fed into the development of effective resource materials, including country case studies and an operational handbook on truth commissions.

Advance accountability measures for sexual and gender-based violence at the local and international level. Despite clear evidence of extraordinary rates of sexual violence, and some acknowledgment of these crimes in international law, there has been limited success in prosecuting these crimes at the domestic or international level. The concept of sexual violence also remains unacceptably narrow. There is little understanding of the ways sexual violence affects men and boys, whether from the normalization of violence against women during conflicts, to suffering of men and boys as victims of sexual violence. Thus, strengthening a gender focus in criminal justice, and more creatively through reparations and truth-telling, is critical to confront ongoing impunity for gender-based violations.

Future transitional justice initiatives need to re-examine the types of violations prioritized, and recognize the continuum of gender-based violence that exists in pre-conflict and post-conflict societies. It is also important to challenge the transitional justice field to explore how both men and women are affected by the gendered dynamics of conflict.

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