



Sexual Violence in Armed Conflict

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Sexual Violence in Armed Conflict: Global Overview and Implications for the Security Sector demonstrates the horrifying scope and magnitude of sexual violence in armed conflict. In its first part, the *Global Overview*, the report profiles documented conflict-related sexual violence in 51 countries – in Africa, the Americas, Asia, Europe and the Middle East - that have experienced armed conflict over the past twenty years. The second part of the report, entitled *Implications for the Security Sector*, explores strategies for security and justice actors to prevent and respond to sexual violence in armed conflict and post-conflict situations.

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SEXUAL VIOLENCE IN ARMED CONFLICT

Global Overview and Implications for the Security Sector

EXECUTIVE SUMMARY

This report, *Sexual Violence in Armed Conflict: Global Overview and Implications for the Security Sector*, demonstrates the horrifying scope and magnitude of sexual violence in armed conflict. The first part of the report, the *Global Overview*, profiles documented conflict-related sexual violence in 51 countries – in Africa, the Americas, Asia, Europe and the Middle East – that have experienced armed conflict over the past twenty years. The second part of the report, entitled *Implications for the Security Sector*, explores strategies for security and justice actors to prevent and respond to sexual violence in armed conflict and post-conflict situations.

Sexual Violence in Armed Conflict: Global Overview

The *Global Overview* highlights both similarities and differences in the forms and settings of sexual violence in conflict, in the profiles of the perpetrators and their victims, and in the motives for and the consequences of such violence, between and within conflict-affected countries and regions. Conflict-related sexual violence occurs in homes, fields, places of detention, military

sites, and camps for refugees and displaced persons. It occurs at the height of armed conflict, during population displacement, and continues after conflict. Although the majority of victims of sexual violence are women and girls, men and boys are also targeted in armed conflict. In many conflicts, indigenous people or people from specific population groups are targeted for sexual violence based upon their ethnicity. Perpetrators of sexual violence in armed conflict include members of official armed and security forces, paramilitary groups, non-state armed groups, humanitarian and peacekeeping personnel, and civilians.

Sexual violence during conflict is an act of domination, grounded in a complex web of cultural preconceptions, in particular as regards gender roles. It is used to torture and humiliate people, and to punish or humiliate an enemy group or community. Sexual violence may be encouraged or tolerated within armed groups. In some conflicts, it has been used strategically to advance military objectives, such as the clearing of a civilian population from an area.

Sexual violence has grave health implications, both physical and psychological, which can include infection

with HIV/AIDS. Many survivors have little or no access to health care and counselling services. Sexual violence also has serious socio-economic consequences for survivors, who are often stigmatised and marginalised.

Armed conflict often has consequences in terms of sexual and gender-based violence after the shooting has stopped. A number of countries emerging from armed conflict report a very high and/or increasing incidence of criminal and family violence. Impunity for acts of sexual violence committed during the conflict, post-conflict poverty, lack of livelihood opportunities and the weakened rule of law, may combine to foster increased inter-personal and sexual violence, and to make women and girls particularly vulnerable to sexual exploitation and trafficking.

Sexual Violence in Armed Conflict: Implications for the Security Sector

Security Council Resolution 1325 calls upon “all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict”. It emphasises the responsibility of *all* states to put an end to impunity for genocide, crimes against humanity and war crimes relating to sexual violence. However, there has as yet been little sharing of experiences between states regarding the “special measures” called for by the Security Council to protect women and girls from rape in conflict, or on good practice in addressing impunity for crimes of sexual violence in armed conflict. There is a lack of information on strategies within the security sector to prevent and respond to sexual violence in armed conflict and in post-conflict security sector reform.

The section on *Implications for the Security Sector* makes linkages between the needs of survivors of conflict-related sexual violence and the role of security sector actors. This report focuses in particular upon responses to conflict-related sexual violence by police, in a post-conflict justice sector, by peacekeepers and in disarmament, demobilisation and reintegration programmes. It also includes a section highlighting some of the ways in which civil society organisations contribute to security. The report sets out relevant international standards as regards security sector responses, identifies challenges and common shortcomings in responding to conflict-related sexual

violence, and presents examples of good or promising practices.

Police reform should consider how police services can better prevent and investigate crimes of sexual violence, provide support to the victims, and put in place effective measures to prevent and punish such abuses committed by police personnel. Reform strategies should aim to make the police service as a whole more gender sensitive and more responsive to gender-based violence by, for example, providing specialised services for victims of sexual violence. Nicaragua’s experience in gender reforms and creating Women’s Police Stations demonstrate the benefits of such a comprehensive approach.

The **justice sector** is responsible for providing justice for victims of sexual violence, ensuring accountability for the crimes committed, and supporting the long-term process of rebuilding communities. After conflict, transitional justice bodies, including *ad hoc* criminal tribunals, the International Criminal Court, Truth and Reconciliation Commissions and reparations programmes, should put in place mechanisms to address the specific needs of survivors of sexual violence. Post-conflict justice mechanisms in Sierra Leone demonstrate some of the lessons learnt in this respect. As societies build or rebuild judicial institutions after conflict, legislation, national courts and traditional justice mechanisms should be reviewed and reformed in order to be responsive to sexual violence.

With proper training, **peacekeepers** can play an important role in protecting civilians from sexual violence during armed conflict. The African Union firewood patrols in Darfur demonstrate a concrete military and policing strategy to prevent sexual violence. Peacekeeping missions should cooperate with and support local women’s groups to ensure that the needs of victims of sexual violence are comprehensively met. In peacekeeping contexts, lack of livelihood opportunities makes the local population extremely vulnerable to exploitation and abuse, including by peacekeepers. Whilst the UN is now taking action to address sexual exploitation and abuse by peacekeepers, it is the responsibility of countries contributing troops and police to peacekeeping operations to ensure that strong codes of conduct and proper training are implemented, and that there is accountability for sexual violence. Increasing the deployment of women in peacekeeping has been shown to contribute not only to better relations with host communities, but also to better conduct by peacekeepers.

Disarmament, demobilisation and reintegration (DDR) of former combatants is essential to establish a secure and stable environment and to rebuild societies after conflict. Many ex-combatants and others associated with armed forces and groups have experienced sexual violence, such as during conscription or abduction into paramilitary forces. DDR programmes should be designed to address conflict-related sexual violence. Key priorities must be to ensure that women and girls are not excluded from DDR; to identify and meet the specific security and medical needs of survivors of sexual violence; to reintegrate survivors and perpetrators of sexual violence into society, and to prevent such acts from reoccurring.

In many communities affected by armed conflict, state security services provide little protection from sexual violence and fail to adequately assist victims of such abuse. **Civil society organisations** often mobilise to fill this gap. Women's civil society groups, in particular, have shown notable leadership as regards sexual violence in conflict. From Uganda to Colombia to Tunisia, civil society organisations are doing critical work in documenting incidents of sexual violence, lobbying for stronger legislation, delivering training, providing care for the victims, and taking initiatives to ensure a more protective environment. An important part of post-conflict reconstruction is to build and maintain the capacity of such organisations, which can be leaders of social and institutional change within their communities.

Improving Security Sector Responses to Sexual Violence in Armed Conflict

The report concludes with ten recommendations for security sector institutions to improve their prevention activities and response to sexual violence in armed conflict.

1 Security sector institutions should **cooperate and coordinate** with other sectors that provide essential services to survivors of sexual violence in conflict. These include agencies providing medical care and psychological counselling, protection and shelter, socio-economic support and legal advice. Security sector actors should also coordinate and collaborate with each other in their efforts to prevent and respond to sexual violence.

2 Security sector institutions should adopt a **gender-sensitive approach** at all stages of response to sexual violence in conflict: in planning, implementation,

monitoring and evaluation. This approach should take into consideration the particular needs of adult male survivors of sexual violence.

3 **Gender training** for all security sector personnel is necessary in order to develop a gender-sensitive capacity within security services. This should include training to address the particular needs of victims of sexual violence.

4 The **full and equal participation of women** in the security sector should be promoted, to ensure that security services are able to effectively identify and respond to the needs of all members of the community. Measures to increase the proportion of women should include gender-sensitive recruitment and retention strategies, and be accompanied by the development of an organisational culture that promotes gender equality within security services.

5 Security sector institutions should develop **operational protocols and procedures** for assisting and supporting victims of sexual violence. These should include, for example, protocols for interviewing victims and investigating sexual violence crimes, for documenting sexual violence, and for referrals to health, social and legal services.

6 In providing services to survivors of sexual violence during conflict, security sector institutions should determine whether **special measures** are needed for particular groups, such as children, former combatants, and male survivors of sexual violence.

7 Access to **justice**, including reparations, should be ensured for victims of sexual violence.

8 Security sector institutions should develop and prioritise operational strategies to **prevent sexual violence** in armed conflict.

9 **Strict codes of conduct** prohibiting sexual abuse and exploitation by security sector personnel, including armed forces, police, peacekeepers and DDR staff, must be formulated, implemented with proper training, and enforced. This is essential to prevent sexual violence, to fight impunity and thus ensure accountability.

10 Security sector institutions should seek and support the **participation of civil society and affected communities**, including women and girls, in responding to sexual violence. Civil society organisations may advise or provide training to security actors, undertake awareness-raising in affected communities, or provide essential services to victims.

Justice for Survivors of Sexual Violence in Armed Conflict

“We need to hear that these atrocities are condemned to at least relieve some of the shame and the grief. It is not just a legal issue. It is about people’s lives. Something must be done so the society that was affected by the conflict can invest in peace.”

Isha Dyfan, a lawyer, an activist for peace and women’s issues,
and a survivor of Sierra Leone’s civil war.¹

The justice sector is responsible for providing justice for victims of sexual violence and other human right violations, ensuring accountability for the crimes committed, and supporting the long-term process of rebuilding communities. The right to justice for victims of violence and human rights violations has been extensively affirmed and developed in international law, from the *International Covenant on Civil and Political Rights* to the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* of 2005.²

Even in times of armed conflict, the national courts of a state have the responsibility to prosecute sexual violence and provide justice for survivors. However, it is usually only after a conflict is over that society turns its attention to accountability and justice.

There are many challenges to providing justice for victims of conflict-related sexual violence. Survivors of sexual violence face considerable economic, educational and socio-cultural barriers in gaining access to justice. In most societies, they are stigmatised, and may be rejected by their spouse and even expelled from their community. Both their health and social needs must be addressed in order to effectively respond to the crimes committed against them. Legislation in many countries still does not adequately recognise sexual violence as a crime – for example, by failing to recognise male rape. Procedures for prosecuting crimes of sexual violence often discriminate against the victims, exposing them to further humiliation and re-victimisation. Victims of sexual violence rarely receive adequate reparations for

the injury and suffering that they have endured and continue to experience.

The establishment of temporary transitional justice bodies can be an opportunity to put in place mechanisms that try to address these challenges, as well as the specific needs of survivors of sexual violence during conflict. In parallel, as societies attempt to build or rebuild judicial institutions after conflict, legislation, national courts and traditional justice mechanisms should be responsive to sexual violence – whether it be sexual violence that occurred during the conflict, in the post conflict period, or the sexual violence that continues to occur in peaceful societies.

This section starts by considering different conceptualizations of “justice” in relation to sexual violence. It then considers how some of the mechanisms commonly part of transitional justice processes can play a role in providing justice to victims of sexual violence after conflict, and ways in which these might be strengthened. Looking beyond the immediate post-conflict period, it examines states’ basic legislative obligations in regard to criminalising sexual violence and how it is dealt with in national courts, and then considers the use of traditional justice mechanisms.

What is justice?

Different communities have different notions of “justice”. While attempts to generalise about justice after conflict are thus fraught with difficulty, it may be helpful to consider how mechanisms seeking justice for victims of sexual violence can draw upon different

traditions. In some communities, *retributive justice* – based on prosecution and punishment proportional to the crime – is considered to have a value in itself. In contrast, *restorative justice* emphasises processes “through which all those affected by an offence – victims, perpetrators, and by-standing communities – collectively deal with the consequences”, and “the healing of wounds and rebuilding of relationships”.³ The two notions of justice exist on a continuum. Many justice mechanisms have both retributive and restorative elements, although some communities have neither a concept of retributive justice, nor a perception of justice for the individual rather than the community. In general terms, truth and reconciliation bodies represent a restorative justice model, whereas criminal trials place greater emphasis on retributive justice.

In searching for justice after violent conflict, some practitioners in the field have argued that “there is no peace and no reconciliation without punitive justice”.⁴ However, among the objections to the use of trials and criminal prosecutions are that retributive justice tends to marginalise the feelings and needs of victims, and that in post-conflict contexts material obstacles can seriously hinder the delivery of adequate justice.⁵

In addressing sexual violence after conflict, both restorative and retributive strategies have a role to play. Restorative justice mechanisms may offer more opportunities to give a voice to survivors of sexual violence, addressing the invisibility of such crimes. Restorative justice may also have a broader scope to address the poverty and health care needs and socio-cultural stigma suffered by survivors of sexual violence. However, forms of retributive justice may act as a stronger deterrent to future crimes of sexual violence, and may be necessary to prevent perceived impunity for such crimes. In all cases, space must be created to seek, listen to and respect the views of the victims on what, for them, constitutes justice.

Transitional Justice

“Transitional justice” refers to a range of approaches that societies undertake to tackle legacies of widespread or systematic human rights abuses, as they move from a period of violent conflict or oppression towards peace, democracy, the rule of law, and respect for individual and collective rights.⁶ Broadly speaking, the primary objectives of transitional justice are twofold: to introduce processes of reconciliation among both the parties to the conflict and the affected populations by establishing a process of accountability and acknowledgement; and to

deter reoccurrence, thus ensuring sustainable peace.⁷ Transitional justice may be pursued through a combination of temporary, specifically created bodies and a state’s permanent justice mechanisms. Considered below are responses to sexual violence by various types of transitional justice bodies such as *ad hoc* criminal tribunals and the International Criminal Court, Truth and Reconciliation Commissions, and reparations programmes.

Ad hoc criminal tribunals and the International Criminal Court

In a number of cases special tribunals have been established with the involvement of the international community to try individuals who committed crimes during a conflict. The International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) broke new ground in securing the first convictions for rape and other forms of sexual violence as war crimes, crimes against humanity and acts of genocide. These tribunals were followed by the establishment of “hybrid” courts in Cambodia, Sierra Leone and East Timor, based on a different model, which are part of the national judicial system but supported by the international community.

The jurisprudence of the ICTY and ICTR has been crucial in developing recognition and understanding of different forms of sexual violence in conflict as crimes under international law. However, the international tribunals have been less successful in protecting and supporting victims of sexual violence. The protection of victims by the ICTR has been particularly criticised. A number of witnesses for the ICTR were threatened or killed before or after testifying at the Tribunal.⁸ During trials, survivors of sexual violence are reported to have received inadequate witness preparation, and experienced aggressive cross-examination, which left them feeling re-victimised and humiliated. A decision by a survivor to testify sometimes led to their abandonment by their spouse or expulsion from their community. Women who contracted HIV/AIDS as a result of rape were not always provided with adequate treatment.⁹ Drawing on lessons learned from the problematic record of the ICTR, Box 2 describes some of the measures taken by the Special Court for Sierra Leone to overcome these problems.

Binaifer Nowrojee, a lecturer at Harvard Law School and a member of the Coalition for Women’s Human Rights, has articulated a model of best practice for investigating and prosecuting international crimes of sexual violence, drawn in particular from experiences in Sierra Leone.¹⁰

This could also serve as a model for national justice mechanisms to successfully address crimes of sexual violence. The key elements that Nowrojee highlights are:

- political will on the part of the prosecutor to prosecute crimes of sexual violence;
- designing a prosecution strategy for sexual violence at the outset;
- training for all staff to develop skills in sexual violence investigations and jurisprudence;
- having a dedicated team of sexual assault investigators and prosecutors;
- care for the well-being, safety and dignity of victims of sexual violence, including the provision of information, support and protection services and witness preparation; and
- an enabling courtroom environment, where rape victims are treated with sensitivity, respect, and care when they come forward to testify.

The International Criminal Court (ICC), established under the Rome Statute, has a mandate to try individuals accused of the most serious crimes of international concern including genocide, war crimes and crimes against humanity. The Rome Statute acknowledges the seriousness of sexual violence, as capable of being an international crime for which perpetrators and their military commanders or other superiors may be held individually accountable. It recognises rape and other forms of sexual violence by combatants in the conduct of armed conflict as war crimes. When rape and sexual violence are committed as part of a widespread or systematic attack directed against any civilian population (whether during armed conflict or not), they are considered crimes against humanity, and in some cases may constitute an element of genocide.

Learning from the experiences of the *ad hoc* tribunals, the ICC Statute and Rules of Procedure and Evidence contain better developed special measures to improve investigation and prosecution of crimes of sexual violence, including the protection of witnesses. The ICC Statute specifically requires that the Prosecutor appoint advisers with legal expertise on sexual and gender violence and that the Victims and Witnesses Unit includes staff with expertise in trauma related to crimes of sexual violence (Articles 42(9) and 43(6)). The ICC is required to take measures to protect the safety, physical

and psychological well-being, dignity and privacy of victims and witnesses, with particular regard to gender and crimes involving sexual violence (Article 68(1)); and the Statute establishes a Victims and Witnesses Unit to provide protection, security, counselling and other assistance (Article 43(6)). The ICC can institute measures to protect victims and witnesses during trials and pre-trial proceedings, and there is an assumption that victims of sexual violence will testify in closed hearings (Article 68(2)). The Rules of Procedure and Evidence require the ICC to be vigilant in controlling the questioning of witnesses to avoid harassment or intimidation, especially in sexual violence cases (Rule 88(5)), and are designed to shield victims of sexual violence from damaging or intrusive attacks on their sexuality or credibility. The ICC cannot admit evidence of a victim or witness's prior or subsequent sexual conduct, or require corroboration of testimony concerning sexual violence. The Rules outline principles to guide the ICC in handling sexual violence cases, making clear that a victim's consent cannot be inferred where the perpetrator took advantage of a coercive environment (such as a detention centre), and requiring special procedures for presenting evidence of consent to acts of sexual violence.¹¹ The ICC's Rules of Procedure and Evidence set a new international standard for good practice as regards prosecuting sexual violence.

Even with such safeguards in place, the danger remains that the prosecution process leaves victims feeling that they were the ones on trial, that they did not have an opportunity to fully tell their story, or that justice was not delivered (especially, obviously, where a conviction was not secured). Mechanisms for restorative justice should thus always be considered alongside prosecutorial mechanisms.

Truth and Reconciliation Commissions

Truth and Reconciliation Commissions (TRCs) often emerge in the aftermath of conflicts, attempting to overcome the inflexibility and formality of criminal legal processes in establishing accountability for human rights violations.¹² The main objectives of TRCs are to confront the past and deal with the causes of the conflict and the human rights abuses committed. TRCs aim to provide a space for victims to tell their stories by officially recognising and condemning the wrongdoings, and to prevent abuses from reoccurring by confronting impunity. Often, TRCs also make recommendations for reparations programmes and institutional reforms.

In some cases TRCs have been established by governments or international organisations or both, while in others NGOs have created them. At least 25 official truth and reconciliation commissions have been established around the world since 1974, including in Argentina, Uganda, Sri Lanka, Haiti, Ecuador, Chile, South Africa, Sierra Leone and East Timor.¹³ Although there is no universal model for TRCs, they usually hold hearings for victims, witnesses (and more recently also perpetrators) of human rights violations and produce a report of findings. Unless conditional amnesties are granted, as in the case of South Africa, the information that TRCs gather can be used as a basis for criminal prosecutions.

Early TRCs have been criticised for failing to take into account the ways in which gender dynamics influence how conflict is experienced by people, and for ignoring women's specific justice needs.¹⁴ Sexual violence was generally underreported and some TRCs did not investigate or report on sexual violence at all. The report of the TRC in El Salvador, for example, only mentions a few incidents of gender-based violence, while it allegedly lists a number of cases in an unpublished appendix.¹⁵ In the report of the TRC in Guatemala, sexual violence was included only in the section on torture.¹⁶ However, according to Rubio-Marín, "there have been signs recently that TRCs, including those in South Africa, Peru, Sierra Leone, East Timor, Morocco and Colombia, have started to internalize the need to incorporate a gender dimension into their work".¹⁷ Developments illustrating this evolution include the holding of thematic hearings dedicated to women that, according to Rubio-Marín, "seem to have offered wonderful opportunities to give women voice, but also to ensure that this voice transcends and reaches the public ... and to render women's sexual violence explicit."¹⁸ Other mechanisms used to activate gender mainstreaming in TRC work include: the formation of special research teams dedicated to women (as in East Timor); the dedication of some of the chapters in the final reports of commissions to recording violence against women and its diverse impact on their lives (such as in South Africa and Peru); or the explicit attempt to mainstream gender throughout the entire TRC report (as in East Timor).¹⁹ The recent Moroccan Equity and Reconciliation Commission (*Instance Équité et Réconciliation*) reportedly worked with national and international NGOs to ensure that attention was given in its work to women's distinctive needs and preferences.²⁰

For TRCs to adequately address sexual violence and other gender issues, gender justice should be explicitly included in the human rights violations within their mandate, and they should adopt an inclusive definition of sexual violence. Among other necessary elements, according to Rubio-Marín, are: that TRCs have a balanced gender composition; that commissioners and staff have adequate gender training; that a balanced gender composition is also maintained in all committees that form TRCs, including those in charge of reparations wherever they exist; and that there is adequate coordination and communication between the truth-seeking, investigation, testimony-taking and recommendations tasks within TRCs.²¹ Attention should also be given to the particular support and protection needs of victims of sexual violence when they give testimony.

Recent developments have given some encouraging signs as to how TRCs can go some way to acknowledging and recording the experiences and needs of survivors of sexual violence and their families and communities. However, it has been argued that some victims may be better served personally and psychologically by remaining silent rather than publicly revealing their victimisation. This line of thought suggests that "going public" puts them at risk of further violence and exclusion, and that their story is vulnerable to manipulation by the media, and to wider political and social goals.²² Moreover, many commentators question the merits of "deterrence through truth-telling".²³ Whilst acknowledging these concerns, one of the greatest achievements of TRCs, especially those which have held public hearings and thematic hearings dedicated to women, has been to render the scope and seriousness of sexual violence visible (sometimes for the first time in the country) to the benefit of all victims, and not only those who came forward to testify.

Reparations programmes

The UN General Assembly Declaration on the Elimination of Violence against Women and the Beijing Declaration and Platform for Action commit states to provide women who are subjected to violence with "just and effective remedies for the harm that they have suffered..."²⁴ The Secretary-General's *In-depth Study on all Forms of Violence against Women* states that "...generally, the right to a remedy should include: access to justice; reparation for harm suffered; restitution; compensation; satisfaction; rehabilitation; and guarantees of non-repetition and prevention".²⁵

Box 2: Post-conflict justice mechanisms in Sierra Leone

Sierra Leone has used a combination of justice mechanisms to deal with violations committed during the conflict: the Special Court for Sierra Leone, a TRC, and some traditional justice mechanisms. Together, these have been assessed as being relatively successful in addressing crimes of sexual violence.³⁰

The Special Court for Sierra Leone

The Special Court was established by agreement, requested by Security Council Resolution 1315, between the UN Secretary-General and the Government of Sierra Leone. In this way it is seen as a “hybrid” international and national court. It started operations in 2002, and continues today. The Special Court is mandated to try “persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996”.³¹ The Special Court differs from the two *ad hoc* tribunals for the former Yugoslavia and Rwanda in a number of important ways, including that it is seated in Sierra Leone itself, and consists of international and Sierra Leonean judges and staff.

Although sexual violence constituted a crime in Sierra Leone, only the rape of a virgin was generally perceived as a serious crime.³² In contrast, the Statute of the Special Court adopted a broad definition of sexual violence, including “rape, sexual slavery, enforced prostitution, forced pregnancy and any other form of sexual violence”. The Statute explicitly calls for the appointment of gender-sensitive staff to deal with crimes of sexual violence.³³

The Special Court has made considerable efforts to prosecute crimes of sexual violence, despite relatively low levels of resources and staff at its disposal (compared to ICTY and ICTR). Nowrojee has hailed the strong political will, particularly on behalf of the prosecutor, to address sexual violence. The Court adopted a prosecution strategy that incorporated crimes of sexual violence from the outset, and a trial attorney was specifically tasked with the prosecution plan for sexual violence crimes. Two experienced women investigators (out of the team of ten) were assigned to investigate crimes of sexual violence. They adopted a gender-sensitive interviewing method to ensure that victims of sexual violence felt comfortable reporting crimes. Witness preparation was emphasised, to ensure witnesses understood the implications of testifying.³⁴

The first judgements of the Special Court, delivered on 20 June 2007, included convictions for rape as a crime against humanity and outrages upon personal dignity (sexual slavery) as a violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II (as well as the first convictions in an international tribunal for the recruitment and use of child soldiers). Whilst this was a positive recognition of sexual violence during the conflict, the Trial Chamber interpreted some crimes of sexual violence in a restrictive manner. The Trial Chamber found, for instance, that the evidence of forced marriage amounted to proof of sexual slavery but not a separate crime against humanity of “forced marriage”, on the basis that “not one of the victims of sexual slavery gave evidence that the mere fact that a rebel had declared her to be his wife had caused her any particular trauma”. In a dissenting judgement, Justice Doherty recognised forced marriage as a different crime to sexual slavery, due to the conjugal status forced on the women, and the social stigma associated with being a “bush wife”, which caused them significant mental suffering.³⁵ Whilst this may be a sign for some concern as to the sensitivity of certain of the judges to women’s particular experiences, it is as yet too early to draw any conclusions as to how well the Special Court will address sexual violence.

The Truth and Reconciliation Commission of Sierra Leone

Mandated by the Lomé Peace Agreement, the Truth and Reconciliation Commission of Sierra Leone (TRC) aimed to:

“Create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone ...; to address impunity, to respond to the needs of the victims, to promote healing and reconciliation and to prevent a repetition of the violations and abuses suffered”.³⁶

Sierra Leone’s TRC included an explicit focus on sexual violence. Its establishing Act called for the Commission to “work to help restore the human dignity of victims ... giving special attention to the subject of sexual abuses.”³⁷ The TRC was composed of seven commissioners, four from Sierra Leone and three international, of whom three were women.³⁸

The Commission held hearings during which victims, witnesses and perpetrators recounted what had occurred. Special hearings were organised for women. Before the hearings on gender crimes, staff and commissioners underwent a two-day gender training (facilitated by UNIFEM and the Urgent Action Fund) on international law pertaining to sexual violence, the methodology for interviewing victims of sexual violence and issues related to the support and protection of women witnesses. Efforts were made to create a comfortable and enabling environment for victims of sexual violence and to ensure their privacy and confidentiality, for example by providing a private space for the women before and after they testified.³⁹ More than 40 per cent of the TRC's statement-takers were women. Victims of sexual violence were only interviewed by female commissioners and could decide whether they

wanted to testify in closed hearings before the commission or in public hearings, and whether their statements should be regarded as confidential. Witnesses who appeared during the closed hearings were provided with food, drink and medical assistance, with transport to and from the hearing venues and, where necessary, overnight accommodation.⁴⁰

The TRC reached out to women's organisations to include them in the process, and women's groups were very active in raising awareness about the TRC's work, testifying in the hearings, assisting victims of sexual violence, making recommendations for a reparations programme, and pressuring the government to implement it.⁴¹ The TRC's final report, published in 2004, included a section on "Women and the armed conflict".⁴²

Both the Special Court and the TRC have contributed to raising awareness about gender-based violence among the people of Sierra Leone, and supported the Sierra Leonean women's struggle for visibility.

Reparations

The TRC for Sierra Leone made recommendations for an extensive reparations programme.⁴³ A broad definition of potential beneficiaries was adopted, and reparations were not limited to those who participated in the Commission (as in South Africa) or to civilians (which would have excluded a large number of victims of sexual violence, including ex-combatant women and girls).⁴⁴ Survivors of sexual violence, including men and boys, were among the categories of victims prioritised by the Commission. The Commission decided not to apply the threshold

“reduction of earning capacity test” to victims of sexual violence in recognition of the fact that many victims of sexual violence “suffer a tremendous amount of stigma ... are rejected by their own communities and families and because of this, many victims find it difficult to sustain themselves, regardless of the injury they have sustained as a result of a violation committed against them.”⁴⁵

Recommended reparations for survivors of sexual violence included gynaecological service and surgery, the provision of HIV/AIDS testing and treatment, counselling and psycho-social support, skills training, micro-credit programmes, and individual pensions. The TRC also recommended symbolic reparations in the form of recognition and apologies by individuals and groups responsible for abuses committed.⁴⁶ This led to all combatant factions apologising in public for gender-based crimes committed by their troops.⁴⁷

While Sierra Leone's reparation programme has been relatively progressive in its focus, critics argue that it falls far short of the real needs of victims of sexual violence in terms of financial, medical and psycho-social support and employment opportunities. The provision of homes for children born of rape - as many women do not want to raise such children - was not addressed. Further, given that all the incidents of sexual violence reported to the TRC were committed against women and girls, the question remains whether sufficient effort was made to encourage men and boys who suffered sexual violence to come forward (see country profile for Sierra Leone).⁴⁸ Moreover, there has not yet been any implementation of the reparations programme.⁴⁹

Traditional healing mechanisms

Traditional healing mechanisms have also been used in Sierra Leone to address the legacies of conflict. Women have conducted healing rituals for former child combatants, cleansing them of their past deeds including raiding, killing and crimes of sexual violence. This enables the children to return and to be accepted by their community. Clark states that: “Traditional cleansing and healing ceremonies for former child soldiers have been important means for some communities to recognize and assuage the guilt that child soldiers carry.... [They] are intended to provide a clean break from past atrocities.”⁵⁰

For survivors of sexual violence, it is important to be recognised and treated equally with other types of victims under the law.²⁶ At the same time, however, survivors of sexual violence have special needs which require gender-specific measures to complement equality under the law. Material forms of reparations are necessary to address the economic needs of survivors, who often become heads of household and sometimes have to take care of children born of rape. Symbolic reparations are necessary to address the social stigma that survivors of sexual violence are subjected to, such as their exclusion from the community or abandonment by their spouse.²⁷

Reparations programmes are generally established by governments, sometimes on the recommendation of courts or TRCs. They aim to “compensate in some way a large universe of victims of human rights violations”.²⁸ To ensure that victims of sexual violence are included in reparations programmes, and that the reparations offered are appropriate to their needs, gender dimensions must be considered throughout programme planning and implementation. Women and women’s groups should participate in all stages of reparations programmes. Sexual violence should be included in the list of violations that trigger reparations and should be broadly defined. The material dimension of the harm endured by victims of sexual violence should be brought to the fore and compensated for, and psycho-social and medical services should be explicitly included. Procedural and evidentiary aspects (such as the evidentiary standards to qualify as a victim) should be defined taking into account the nature of the crimes. Finally, there should also be possibilities for subtle mechanisms allowing victims who do not want to expose themselves publicly to qualify as beneficiaries.²⁹

However, the greatest shortcoming of reparations programmes is that they are often not implemented. Earlier reparations programmes, such as those in Argentina, Peru, Brazil, were implemented, but did not include reparations for sexual violence. Whilst most recent programmes, such as those in East Timor, Sierra Leone (see Box 2), Guatemala and Peru, have been sensitive to sexual violence and other gender issues, unfortunately implementation is very weak or totally absent.

Beyond transitional justice

Legislation and national courts have a role to play during conflict and in a transitional period, and indeed are central to any transitional justice process. In moving

beyond transitional justice toward long-term rule of law, a state’s legislation and permanent justice mechanisms should be reviewed and reformed to ensure that sexual violence is comprehensively addressed.

Legislation

A legal system that can offer justice for victims of sexual violence must begin with legislation that ensures the recognition and punishment of sexual violence. A number of international documents recognise the duty of states to enact such legislation. The UN General Assembly *Declaration on the Elimination of Violence against Women* emphasises that states have a duty to “develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence ...”⁵¹ This is reiterated in the Beijing Declaration and Platform for Action, which called on states to “[a]dopt and/or implement and periodically review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders ...”.⁵²

However, in many countries, national legislation fails to provide a legal framework that recognises all forms of sexual violence as crimes, in accordance with internationally agreed standards. For example, legislation may require the use of force in an act of sexual violence, rather than the lack of consent.⁵³ Some legislation only recognises rape and not other forms of sexual violence, and/or limits rape to penetration of the vagina. Often sexual violence against men and boys is not included. In some countries, shortcomings in the law regarding sexual violence stem from evidentiary standards and procedural rules. For example, in many Muslim countries following shari’a, two men must have witnessed the act of violence. (Procedural issues, whilst often defined in legislation, will be discussed further in the section below on “National courts”.)

Amendments to the rape law recently adopted in South Africa provide an example of improved sexual violence legislation. The new law broadens the definition of rape to recognise as rape any sexual penetration, including of the anus or mouth, without consent, irrespective of the victim or perpetrator’s gender; and to include forced oral sex and male rape, hitherto classified as indecent assault. It also includes forced sexual penetration using an inanimate object or animal genitalia. The law allows victims to obtain a court order for compulsory HIV testing of alleged offenders and entitles victims of sexual offences to be provided with post-exposure anti-

retroviral drugs at state expense.⁵⁴ Kosovo too has drafted a new Provisional Criminal Code that includes a progressive definition of rape, based upon language used in the International Criminal Court Statute, judgments of the ICTY and ICTR, and international conventions.⁵⁵ Kosovo's Criminal Code explicitly directs authorities to consider the particular needs of victims of sexual or gender-related violence when conducting criminal proceedings, and provides particular procedures to "assist in reducing any subsequent traumatization during the giving of evidence of a victim of sexual or gender related violence".⁵⁶

Transition periods and post-conflict situations can offer brief windows of opportunity to revise and redraft constitutions and legislation, which have long-term repercussions for peace, security and the status of different groups within society, including women. In addressing the legacy of sexual violence during a conflict, amending pre-war legislation on sexual violence to ensure that it meets international human rights standards, as well as the needs of the community, should be a priority. However, good legislation alone is not enough to address the issue of sexual violence. Liberia, for example, emerging from years of conflict and grappling with massive past and ongoing sexual violence, passed strong new rape laws in December 2005. Despite the new laws, few rape trials are being heard in court. Liberia's five-year "National Gender-based Violence Plan of Action" states that: "Perpetrators go unpunished or receive light sentences, few survivors report cases, and law enforcement is known for treating survivors poorly."⁵⁷ Activists complain that rape victims and parents of rape victims are discouraged from reporting the crime because the overworked court system is slow to prosecute, and some call for a special court to deal with rape cases.⁵⁸ Legislation is necessary but not sufficient. Mobekk points out that: "Legislation has been changed in many cases, but is never implemented because of the state of the court system, but also because attitudes towards these crimes have not changed."⁵⁹ While functioning courts and effective and gender-sensitive implementation of laws are crucial, public campaigns to promote women's human rights and to challenge tolerance of sexual violence may also be required.

National courts

States have a duty, set out in numerous international instruments, to effectively prosecute and punish acts of sexual and gender-based violence, whether such acts are perpetrated by the state or by private persons. Male

survivors of sexual violence in conflict equally have a right to justice, and risk being marginalised and excluded from justice processes to an even greater extent than female victims. Even in countries not affected by conflict, national courts often fail victims of sexual violence.⁶⁰ Courts often lack the infrastructure, capacity and expertise to prosecute crimes of sexual violence. Legal procedures for conducting sexual violence trials often re-victimise victims, subjecting them to humiliation during interviews, when testifying, and after the trial. There is often inadequate support and protection for survivors of sexual violence.

Box 3: Nepal

In Nepal the Governing Council of the National Judicial Academy has adopted a resolution for mainstreaming gender issues in its policy and practice, as part of the legal reforms in the country. Gender issues are now part of standard training for lawyers and judges. With support from UNDP, the National Judicial Academy has developed a gender training tool to provide judicial personnel with the skills to analyse the legal provisions related to gender issues, and to become familiar with international human rights and women's rights instruments.⁶⁴

In times of armed conflict and after conflict, national judicial institutions are often in a state of total collapse. Where state authorities are involved in perpetrating human rights abuses in conflict, there may be reluctance by national courts to acknowledge and prosecute such crimes. Authorities and communities may fear that prosecutions will destabilise the peace and reconciliation process.

In the *Beijing Platform for Action*, states committed to "develop strategies to ensure that the revictimization of women victims of violence does not occur because of gender-insensitive laws or judicial or enforcement practices..."⁶¹ The UN *Model Strategies and Practical Measures on the elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice* urges states to review, evaluate and revise their criminal procedure to ensure that: "Women subjected to violence have an opportunity to testify in court proceedings equal to that

of other witnesses and that measures are available to facilitate such testimony and to protect their privacy”⁶² Special procedures to deal with cases of sexual violence should be established and institutionalised, in line with the standards of good practice set by the ICC, outlined above. Such procedures should include measures to guarantee security, privacy and confidentiality for victims before, during and after trials, such as witness protection and resettlement packages. Survivors of sexual violence should be provided with legal, medical and psychosocial support, as well as shelter, when necessary. The judicial system requires appropriate

infrastructure to deal with cases of sexual violence – e.g. court houses should be properly managed and staffed.

The *Beijing Platform for Action* identified the need for training programmes for judicial and legal personnel to “sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be assured”.⁶³ Judges, prosecutors, defence counsel and court personnel should be trained on women’s rights, the gender impact of the legal and judicial system, and the legal procedures for crimes of sexual violence. Specific training on interviewing methods for crimes of sexual violence should be provided

Box 4: “Reintegrative Shaming” in Bougainville

Bougainville suffered a violent civil war between 1989 and 1998 (see the country profile for Papua New Guinea). Before the conflict, Bougainville is said to have been a society with low levels of sexual violence.⁷⁰ Respect for elderly men and women was the basis of authority and community organisation. Mothers had distinct forms of power and authority in the community, as is often the case in mostly matrilineal societies. During the conflict, patterns of authority were ruptured, whereby male community chiefs, female elders and mothers lost their authority to military commanders.⁷¹ Women were subjected to rape and sexual harassment by the security forces and by the separatist Bougainville Revolutionary Army.⁷² According to Braithwaite, the armed conflict “was associated with large increases in rape and/or domestic violence” and “with the return to peace in the current decade, rape had fallen again”.⁷³

In Bougainville, restorative justice mechanisms seek to reintegrate boys and men to the authority of chiefs and mothers. The main objectives are to reconcile the victims and the perpetrators, to provide justice for the victims and the community, and to reintegrate the perpetrators into community life. This long-term view of reconciliation seeks to combine economic and social reintegration of former combatants with the prevention of further violence among ex-combatants. Reconciliation ceremonies involve several meetings between the victim, the perpetrator and the elders of the community, where the allegations and options for reconciliation are discussed. The reconciliation procedure includes acknowledging harm and guilt,

speeches of apology and forgiveness, the exchange of gifts, and commitments to future behaviour by the perpetrator.⁷⁴

A core ingredient of such justice mechanisms is “reintegrative shaming”.⁷⁵ In many societies, shame is an important tool for socialising: “It is by the careful use of shame that children learn who they are, the obligations they have to others and what others have to them”.⁷⁶ This sense of shame can be harnessed in restorative justice mechanisms to acknowledge shame and discharge it, to shame acts of injustice; and to prevent further injustice and enable restoration. However, shaming procedures can be counterproductive when shame is unacknowledged and when it involves stigmatising.) Braithwaite suggests that reintegrative shaming in relation to sexual violence would aim to bring perpetrators of sexual violence “to experience the shame they should feel for rape, which then allows to reintegrate them into society”.⁷⁷ Braithwaite argues that this recognises that the reason that some societies have low rates of rape is not that perpetrators are more often imprisoned, but that rape is unthinkable to most men in these societies.

The PEACE Foundation Melanesia has given restorative justice training based on traditional reconciliation methods to 10,000 people in Bougainville, including many traditional chiefs. It is hoped that this will allow these community-based mediators to deal with the consequences of the civil war at a local level.⁷⁸

to staff who interact with survivors. The recruitment and advancement of women in the judicial system is an important objective in itself, and can also advance the response to gender issues in the judicial sector.

Traditional justice mechanisms

A wide variety of traditional justice mechanisms are used in many countries as complementary or alternative processes to national or international justice systems. They may be used or adapted to respond to human rights violations during armed conflict, as with the Gacaca courts in Rwanda, or the reintegrative shaming processes used in Bougainville (described in Box 4). Given the variety of forms of traditional justice mechanisms it is difficult to generalise, and important not to overlook their specificities. However traditional justice mechanisms should be considered in relation to sexual violence, as in some contexts it might be appropriate to support and build upon traditional ways of responding to violence, rather than introducing new procedures.

Traditional approaches to justice tend to take place at the community level and involve religious leaders, village elders or local authorities to resolve domestic or communal conflicts. In some cases, the emphasis is on mediation, restorative justice and the needs of the community. Others deliver severe punishments, such as lashings, detention in harsh conditions and even execution. Such mechanisms have advantages of proximity, accessibility and sensitivity to local customs and circumstances.⁶⁵

However, traditional justice mechanisms often reinforce traditional gender roles and ignore the voices and rights of women. Although there are exceptions to this generalisation, women tend to be absent from traditional justice mechanisms, gender-based violence is not appropriately sanctioned, and victims of sexual violence tend to be reluctant to come forward due to the stigma attached to these crimes.⁶⁶ Research on traditional dispute resolution systems operating in refugee camps in Bangladesh, Côte d'Ivoire, Ethiopia, Guinea, Kenya, Mexico, Nepal, Pakistan, Sierra Leone, Tanzania, Thailand, Yemen and Zambia found that in all of these countries, across all refugee cultures, women lacked representation, influence and decision-making power in the refugee dispute resolution systems. The punishments imposed on rapists by refugee dispute resolution systems:

“... in most circumstances are characteristically negligible or non-existent, even though they would attract much more serious punishments under

national law ... a rapist might simply be absolved if he marries the survivors, or if it involves a minor, might be imposed a small fine or a minimal length of detention.”⁶⁷

Furthermore, such fines are more often given to the family than the survivor.⁶⁸

There is thus a danger that traditional justice mechanisms re-produce gender inequalities, and reinforce the lack of justice for victims of sexual violence. In contrast, the experience in Bougainville (described in Box 4) suggests that traditional justice processes can have the potential to restore the rights and authority of women in the community, and “...that part of what may be required to return a society to peace and low levels of rape may be restorative justice processes that are historically sustained, deep and broad”.⁶⁹ Hence, traditional mechanisms can be a source of repression of women, but they may also be a source of restoration and resistance.

Conclusions

Sexual violence in conflict shatters lives and communities. Providing justice to survivors of sexual violence brings recognition of the harm that they have experienced and seeks to alleviate the consequences. Within communities, a sense that justice has been done may be necessary for reconciliation and for moving on. At the same time, justice is an exercise in the enforcement of criminal law, on behalf of the state and the broader community. Justice is thus simultaneously personal to each individual survivor, an issue for entire communities, and has national and international dimensions, and there are tensions inherent in locating justice in these different spaces. As yet only tentative steps have been taken to understand what justice is for individual survivors of sexual violence and for their communities, and to develop judicial mechanisms and strategies that deliver this justice.

Whether one works through courts, TRCs, reparations bodies or traditional justice systems, stigma against survivors of sexual violence recurs as a fundamental barrier to justice. Survivors - men, women and children - are reluctant to come forward, due to the risk of (further) social ostracism and violence. The “justice” offered rarely meaningfully addresses this reality. Our efforts to bring justice to survivors of sexual violence must necessarily thus begin with an endeavour to understand the silence that all too often shrouds sexual violence, and to find ways to transform shame and stigma into renewed dignity and respect.

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Civil Society Responses to Sexual Violence in Armed Conflict

In many communities affected by armed conflict, state security services provide little protection from sexual violence and fail to adequately assist victims of such abuse. Civil society organisations often mobilise to fill this gap by documenting incidents of sexual violence, lobbying for stronger legislation, providing care for the victims, and taking initiatives to ensure a more protective environment. This section examines some effective strategies used by civil society groups in different conflict-affected contexts to address sexual violence.

Civil society can be understood as “voluntary associational groupings in a society, and the public expression of the interests, priorities, grievances, and values around which those associations are based”.¹ Civil society organisations include NGOs, social movements, political parties, advocacy and interest groups, churches and religious groups, professional or academic associations and women’s groups. As regards security issues, civil society organisations can serve as a channel for the expression of public interests and can contribute to holding state authorities accountable for the provision of security.

Women’s civil society groups, in particular, often represent women’s and children’s interests, and gender-specific security needs. The importance of including women’s movements in security and peacebuilding has been affirmed at the highest levels. In the UN *Declaration on the Elimination of Violence against Women*, states pledged to

“... Recognize the important role of the women’s movement and non-governmental organizations worldwide in raising awareness and alleviating the problem of violence against women ... Facilitate and enhance the work of the women’s movement and non-governmental organizations and cooperate with them at local, national and regional levels.”²

Security Council Resolution 1325 reaffirms: “... the important role of women in the prevention and resolution of conflicts and in peace-building, and *stress(es)* the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution ...”. It calls on all actors involved in negotiating and implementing peace agreements, to include “... [m]easures that support local women’s peace initiatives ... and that involve women in all of the implementation mechanisms of the peace agreements ...”³

Women’s civil society groups have shown particular leadership as regards sexual violence in conflict, responding creatively and effectively to the urgent needs of victims, and to their neglect by state authorities.

Advocacy, lobbying and protest

Civil society groups are often instrumental in pressuring states to adopt and implement international instruments, national legislation and plans of action to combat and address the consequences of sexual violence and violence against women. Civil society initiatives to document sexual violence in conflict can both support advocacy efforts and assist in identifying service needs. In many countries affected by armed conflict, women’s civil society groups have lobbied state authorities to better address sexual violence. In 2003, for example, Iraqi women’s groups demanded support to organizations providing aid to victims of sexual violence, and suggested practical measures, such as street lighting, to improve their day-to-day security. Their priorities also included increasing the number of women in armed and security forces, and ensuring that armed and security forces received training on human rights and gender issues.⁴

Box 12: Women's courts

“Women’s courts” have taken various forms, but share the aim of offering a supportive space for survivors to recount the abuses they have suffered. The most famous of such courts has been the *Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery*, which convened in Tokyo from 8-10 December 2000. The Tribunal was organised to highlight the demands for justice of the former “comfort women” of the Second World War, and the failure of the Japanese government and the international community to address the crimes committed against them. Led by the *Violence Against Women in War Network*, a group of women’s NGOs based in Asia, the former “comfort women” organized what is known in legal parlance as a “people’s tribunal”. This consisted of a mock court comprising 10 prosecution teams representing the countries of the victims, and a panel of judges - many of whom had served on United Nations war crimes tribunals. There were 390 participants, including 75 victims from eight countries, legal experts, academics, and two former Japanese soldiers, who testified about their involvement in, and use of, “comfort women” brothels. The testimonies illustrated that the “comfort system” was a

systematic policy of the Japanese government. The Tokyo Tribunal’s “judgement” recommended that the government of Japan fully acknowledge its responsibility for the establishment of the “comfort system”, issue an apology, provide compensation to the victims, and establish a mechanism to investigate the alleged systematic policy of sexual slavery enforced by the Japanese military. Although the Tribunal lacked legal authority, it nonetheless prompted the Japanese government to acknowledge its culpability, and provided a sense of justice for the wartime victims.⁶

Women in Guatemala and Colombia have organised comparable special courts. Some 40 civil society institutions organised the *Tribunal de Conciencia* (Courts of Conscience) in Guatemala in 1988. These courts brought together more than 200 indigenous women from all over the country, who gave testimony about the abuses they had suffered, including sexual violence.⁷ The aim of these courts was twofold: to provide a space for mainly indigenous and rural women to speak out about the abuse they had suffered during the armed conflict; and to formulate recommendations based on these testimonies as to how the government and civil

Reacting to acts of sexual violence and impunity for such crimes, women have at times taken to the streets in some places. In 2004, for example, women’s groups in the Indian state of Manipur protested against the alleged torture, rape and killing of a woman by paramilitary soldiers. The victim, Thangjam Manorama, aged 32, was arrested and taken from her home on suspicion of being a militant. She was found dead the next morning, with marks on her genitals that suggested that she had suffered sexual violence before being killed. In protest against what they perceived as the army’s ability to commit acts of rape and murder with impunity, women demonstrated outside the army base, standing naked and holding banners reading “Indian Army, rape us overtly” and “Rape us the way you did Manorama”. They demanded that the government withdraw the *Armed Forces Special Powers Act* and establish a judicial inquiry into the killing. The women’s protests were successful

insofar as they prompted the state government to reduce the power of the military forces in the region.⁵

The barriers to justice for victims of sexual violence are explored elsewhere in this report. In response, women’s civil society networks in some regions have established “women’s courts” to provide space for victims of sexual violence to recount their experiences (see Box 12).

Training and service provision

Many civil society organisations combine advocacy activities with providing services to survivors of sexual violence and/or training on this issue. For example, Isis-Women’s International Cross Cultural Exchange, a women’s organisation based in Uganda, combines documenting violence against women during armed conflict with providing medical and psychological services to survivors (see Box 13).

In situations where people are displaced by conflict, women’s organisations often form to provide security

society could act to improve the situation of indigenous women and their protection from violence.⁸

In Colombia, women have held regional women's tribunals in preparation for a national *Gran Corte de Mujeres Colombianas contra el Olvido y para la Re-existencia* (Colombian Women's Court Against Forgetting and for Re-existence) intended to be a permanent court. One of these preparatory women's tribunals, held in October 2005, was convened under the banner "Dignity and Memory" and was dedicated specifically to forced displacement and sexual violence during the armed conflict. The courts are designed as public hearings where women survivors recount their suffering and their coping mechanisms, combined with sessions including literary, audiovisual and dance performances, highlighting ways in which trauma can be overcome. The tribunals include rituals of apology and a "judgement" by a jury composed of "wise women".⁹ They provide a platform for survivors, and render visible crimes of sexual violence and violence against women committed during the armed conflict. According to Doly Enriquez, the coordinator of the "women's courts" in Colombia, some women's

testimonies and cases have subsequently been taken before international courts.¹⁰

The Tunisian NGO, *El Taller*, has collaborated with other organisations and networks to organise eighteen "women's courts" in various parts of the world. These include the first "Arab Court of Women", which convened in June 1995. Its public hearings included testimony of rape committed during the 1982 massacres in the Sabra and Shatila Palestinian camps in Lebanon. From this court was established the *Permanent Arab Court to Resist Violence against Women*, which has campaigned for equality between men and women, especially with respect to the issue of divorce in Arab countries, including Algeria, Bahrain, Egypt, Iraq, Jordan, Lebanon, Mauritania, Morocco, Palestine, Tunisia, Sudan, Syria and Yemen.¹¹

Women's courts challenge us to ask where space exists for male victims of sexual violence to come forward and tell their stories. Whilst local and international advocacy around sexual violence in armed conflict is relatively strong, little attention is given to sexual violence against men and boys, and seemingly no networks or organisations focus on addressing the particular needs of male survivors.

Box 13: Isis-WICCE in Uganda

The NGO Isis-Women's International Cross Cultural Exchange (Isis-WICCE) was established to promote:

"... justice and women's human rights through documentation of the violation of their rights; ... strengthening communication mechanisms for women to be able to generate knowledge about their situations and to share the information, ideas and experiences in order to improve their status and overcome gender inequality".¹²

Isis-WICCE works in communities affected by armed conflicts – for example in Northern Uganda and Southern Sudan – to document the physical and medical health problems of women traumatised by

conflict, and to alleviate their condition. Combining data collection with medical and psychological interventions and political advocacy is a particular feature of Isis-WICCE's activities. Isis-WICCE maintains that: "It is inhuman to collect data from such desperate people and nothing positive in terms of addressing their plight is put in place."¹³ Advocacy is conducted "to get basics for the poor of the poorest".¹⁴

Isis-WICCE's reports contain detailed information on incidents of sexual violence in armed and post-conflict situations, listing psychological and reproductive health problems and the surgical responses by the medical team.¹⁵ This data is a useful basis on which to advocate for improved services, and a lobbying tool to seek redress, to sensitize the public, and to strengthen networks among African women.¹⁶

Box 14: Colombia's *Liga de Mujeres Desplazadas* and *Ciudad de Mujeres*

Colombia's 40-year-old conflict has involved grave human rights violations and the displacement of millions of people. Sexual violence has been used as a strategy by a number of armed groups. Many women with children have been displaced, fleeing after they or their family members experienced sexual violence or threats, or after family members were killed.¹⁷

In the northern Colombian municipality of Turbaco, people have been affected particularly severely by the internal conflict and many displaced have nowhere to go. In 1998, a group of women displaced by the armed conflict came together and founded the *Liga de Mujeres Desplazadas* (League of Displaced Women). Patricia Guerrero, a lawyer displaced by conflict in 1997, was the driving force behind the *Liga*. The initiative was a resistance strategy, and aimed on one hand to have forced displacement recognised as a war crime, and on the other to improve the health and nutrition of displaced people, and to reclaim their rights.¹⁸ The *Liga de Mujeres Desplazadas* is now active in a number of communities with high rates of violence and marginalisation.¹⁹ Its activities include community work, providing psychological treatment to displaced women, and denouncing acts of corruption that involve Colombian paramilitary groups. The *Liga* is particularly active in the fight against impunity for crimes committed during the conflict, including sexual violence, and conducts investigations in this regard.²⁰ It has also lobbied the municipal authorities to implement public policies that protect women's and displaced people's rights.²¹

In 2003, around 100 women joined Patricia Guerrero to set up the *Ciudad de Mujeres* (City of Women). With support from various donors, the

women started building their own city. They themselves manufactured the cement blocks needed to build around 97 houses, which now provide accommodation to approximately 500 people. Training is a key aspect of the initiative: the women were trained in skills such as moulding bricks, bricklaying and agriculture.²² The *Ciudad* also has a women's cooperative, providing credit and financial support, and child care facilities for over 100 children.²³ It is the only social housing project built for displaced people in the region in the last three years.²⁴

The *Ciudad de Mujeres* aims to provide a safe haven for women who have been displaced, some of whom have experienced sexual violence, as well as opportunities for a new beginning and a new community. The *Liga* attempts to restore the social fabric of the region, striving for equality and an environment free of violence, discrimination and corruption.²⁵ However, its activities have made it a target for violence by armed groups that use their social, political and economic control over communities in their armed struggle. In January 2007, the community centre of the *Ciudad* was set on fire and completely destroyed.²⁶ The women in the *Ciudad* have also reported a number of forced disappearances, murders, rapes and death threats. They claim that the authorities have failed to take action against the perpetrators, and have put obstacles in their way to prevent them from obtaining justice.²⁷ The women have demanded that the government take measures to guarantee the security of the *Ciudad*, but are unhappy with the subsequent installation of security barriers and the increasing "militarisation" of the *Ciudad*.²⁸ As an alternative, the women have established their own security mechanisms, installed a radio system to communicate with the authorities, and started to cooperate in limited ways with police security patrols.²⁹ Through such action, the women of the *Liga* have developed innovative responses to survive in a hostile environment. In April 2007, the *Liga* was awarded the "*Premio de Derechos Humanos, Rey de España*" (the King of Spain's Prize for Human Rights) in recognition of its fight for the rights of displaced women.³⁰



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Box 15: Challenging violent masculinities

Nicaragua's *Asociación de Hombres Contra la Violencia* (Association of Men Against Violence) was founded in 1993. It aims to reduce gender-based violence by confronting issues of masculinity and aggression. Among other activities, the Association offers training workshops, promotes alliances with women's groups and organises public awareness campaigns, thereby creating a space for critical reflection on attitudes, values and behaviour associated with masculinity.³¹ Operating in a post-conflict environment with high rates of sexual violence, such organisations have an important role to play.

A comparable initiative on another continent is the *One Man Can Campaign* developed by the *Sonke Gender Justice Network* in South Africa. The Campaign includes an Action Kit which provides men with resources to end domestic and sexual violence. This organization works "to build government, civil society and citizen capacity to achieve gender equality, prevent gender-based violence and reduce the spread of HIV and the impact of AIDS".³²

in concrete ways (see Box 14 on the *Liga de Mujeres Desplazadas*). As illustrated in the sections on justice and policing, women's groups may work directly with security sector actors, for example by providing training for police, defence or judicial personnel, in order to improve the way in which they respond to crimes of sexual violence. Finally, civil society organisations lead the way in addressing the root causes of sexual violence by challenging gender roles and violent masculinities (see Box 15).

Conclusions

Civil society organisations play an essential part in addressing the legacy of sexual violence in conflict, and sexual violence that persists in countries emerging from conflict. Whilst civil society should not be expected to assume the full burden of needs stemming from sexual violence, they should nevertheless be consulted and included in all aspects of the reconstruction process, in particular regarding the health, justice and security sectors.

Women's civil society organisations are an important voice for the unrepresented and the marginalised in society, such as survivors of sexual violence, and thus have essential contributions to make to both policy making and implementation. Women's organisations can contribute particular expertise to support the creation of gender-sensitive state institutions. Their involvement in training police and military personnel, as well as judges in many parts of the world is a concrete demonstration of how women's civil society groups can assist state security institutions in their

efforts to better address the security needs of all segments of the community.

That being said, women's civil society organisations usually have to struggle with limited financial and technical resources, and often receive little support from their governments, donors or outside agencies. An important part of re-constructing civil society in post-conflict settings is to build and maintain the capacity of such organisations to identify the needs in their communities, provide services and conduct advocacy. Funding provided in the first flush of reconstruction should be sustained, as civil society organisations grow and adapt with the changing needs of their communities. Where women's civil society organisations have the support to build experience and influence, they hold the promise of leading powerful social and institutional change within their communities.

Endnotes

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