

TRUTH, BREAD, AND TEA

**A Toolkit for Reintegration of Women Survivors
of Conflict-Related Sexual Violence and
Children Born of War**



GIJTR

Global Initiative for Justice
Truth & Reconciliation

ABOUT THE INTERNATIONAL COALITION OF SITES OF CONSCIENCE

The International Coalition of Sites of Conscience (ICSC or the Coalition) is a global network of museums, historic sites and grassroots initiatives dedicated to building a more just and peaceful future through engaging communities in remembering struggles for human rights and addressing their modern repercussions. Founded in 1999, the Coalition now includes more than 300 Sites of Conscience members in 65 countries. The Coalition supports these members through seven regional networks that encourage collaboration and international exchange of knowledge and best practices. The Global Initiative for Justice, Truth and Reconciliation is a flagship program of the Coalition.



Learn more at www.sitesofconscience.org.

Cover illustration: Rohingya women in the refugee camps in Cox's Bazaar have created panels of "memory and hope" sewn into a quilt, facilitated by AJAR and Liberation War Museum, Bangladesh. This and all other illustrations in this toolkit by Ignatius Ade Gunawan.

ABOUT THIS TOOLKIT

Published in May 2021, this toolkit, *Truth, Bread, and Tea*, draws on the extensive research conducted by Global Initiative for Justice, Truth and Reconciliation (GIJTR) partners the International Coalition of Sites of Conscience (ICSC), Asia Justice and Rights (AJAR), Centre for the Study of Violence and Reconciliation (CSV), Humanitarian Law Center (HLC), and Documentation Center of Cambodia (DC-Cam) as part of the Reintegration and Transitional Justice project. Both the project and the toolkit aim to promote greater recognition of the unique societal reintegration needs of survivors of conflict-related sexual violence and children born of war and highlight the importance of addressing the needs of these survivors within formal transitional justice processes and grassroots, community-based reintegration initiatives.

This toolkit has been created for practitioners in the field. Many human rights defenders have worked alongside survivors for many decades. Their dedication has resulted in a deep and rich understanding of their own context, but often they have not been exposed to developments and innovations in other countries. This toolkit aims to share some of the best practices that have emerged, in a simple and practical way.

Most of the examples, lessons learned, and recommendations in this toolkit draw from the case studies written by Predrag Miletic (HLC), Farina So (DC-Cam), Nomathamsanqa Masiko, Annah Moyo-Kupeta and Gugu Nonjinge (CSV), Galuh Wandita (AJAR), and Manuela Pereira (ACbit); as well as field visit reports compiled by Bibiana Penaranda Sepulveda (Red Mariposas de Alas Nuevas Construyendo Futuro) and Esther Marina Gallego Zapata (Ruta Pacifica de las Mujeres), Bikash Basnet (Advocacy Forum) and Indria Fernida (AJAR), and Usani Odum and Annah Moyo-Kupeta (CSV). Sarah Case, Devon Gulbrandsen and Rachel Stern (ICSC) edited the case studies and field visit reports. This toolkit was written by Galuh Wandita, Karen Campbell-Nelson, Indria Fernida, and Nick Dobrijevič (AJAR), with contributions from Sarah Case and Devon Gulbrandsen (ICSC).



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ABOUT THE GLOBAL INITIATIVE FOR JUSTICE, TRUTH AND RECONCILIATION (GIJTR)

Around the world, an increasing call exists for justice, truth and reconciliation in countries where legacies of gross human rights violations cast a shadow on transitions from repressive regimes to participatory and democratic forms of governance.

To meet this need, the International Coalition of Sites of Conscience (ICSC or the Coalition) launched the Global Initiative for Justice, Truth and Reconciliation (GIJTR) in August 2014. The GIJTR seeks to address new challenges in countries in conflict or transition that are struggling with legacies of or ongoing gross human rights abuses. The Coalition leads the GIJTR, which includes eight other organizational partners: American Bar Association Rule of Law Initiative (ABA ROLI), United States; Asia Justice and Rights (AJAR), Indonesia;



Centre for the Study of Violence and Reconciliation (CSVR), South Africa; Documentation Center of Cambodia (DC-Cam), Cambodia; Due Process of Law Foundation (DPLF), United States; Fundación de Antropología Forense de Guatemala (FAFG), Guatemala; Humanitarian Law Center (HLC), Serbia; and Public International Law & Policy Group (PILPG), United States. In addition to leveraging the expertise of GIJTR members, the Coalition taps into the knowledge and longstanding community connections of its 300-plus members in 65 countries to strengthen and broaden the GIJTR's work.

GIJTR partners, along with members of the Coalition, develop and implement a range of rapid-response and high-impact program activities, using both restorative and retributive approaches to justice and accountability for gross human rights violations. The expertise of the organizations under the GIJTR includes:

- Truth telling, reconciliation, memorialization and other forms of historical memory;
- Documenting human rights abuses for transitional justice purposes;
- Forensic analysis and other efforts related to missing and disappeared persons;
- Victims' advocacy such as improving access to justice, psychosocial support and trauma mitigation activities;
- Providing technical assistance to and building the capacity of civil society activists and organizations to promote and engage in transitional justice processes;
- Reparative justice initiatives; and
- Ensuring gender justice in all these processes.

To date, the GIJTR has led civil society actors in multiple countries in the development and implementation of documentation and truth-telling projects; undertaken assessments of the memorialization, documentation and psychosocial support capacities of local organizations; and provided survivors in the Asia, Africa and the Middle East and North Africa region with training, support and opportunities to participate in the design and implementation of community-driven transitional justice approaches. Given the diversity of experience and skills among GIJTR partners and among Coalition network members, the program offers post-conflict countries and countries emerging from repressive regimes a unique opportunity to address transitional justice needs in a timely manner, while promoting local participation and building the capacity of community partners.



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BEFORE WE START: INTRODUCTION

"Family members from both my dead husband's side and my own relatives all supported me. This made my life acceptable. But the community around me called me names and avoided me. I still could survive this. But the Church did not support me and did not allow me to get my children baptised"

Sexual violence is not an unfortunate by-product of armed conflict but rather a strategic weapon of war used to terrorize civilian populations, destroy families, and humiliate the "enemy." The impact of this particular violence on women and on the children who are born as a result touches all aspects of the survivors' lives and may persist for generations. Civil society practitioners and survivor groups have found that survivors of conflict-related sexual violence and children born of war frequently experience social isolation, bullying, and other forms of violence by their neighbors, community members, and even family members, which further intensifies their isolation and trauma.

For more than a decade, civil society groups in Asia, Africa, Latin America and Eastern Europe have developed knowledge and strategies working with survivors of sexual violence and their children. This toolkit has taken key lessons from case studies and field reports written by practitioners working in Timor-Leste, Cambodia, Nepal, Bosnia-Herzegovina, Uganda, Nigeria, Rwanda and Colombia, capturing some of the challenges in transitional justice efforts to deal with the inclusion or reintegration of women survivors of sexual violence and their children. For example:

- In Cambodia, discrimination from neighbors has pushed some survivors to move away or stop speaking to their neighbors. Other survivors of sexual



violence must endure shame and humiliation for having "slept with the enemy" and are often disdained as "loose women" or "whores." In Uganda, women survivors of sexual violence often face problems with their husbands or prospective husbands, who, once they learn about the women's history with the Lord's Resistance Army (LRA), consider them used products "contaminated by harmful spirits."²

- In Cambodia, many couples of forced marriages divorced after the Khmer Rouge collapsed. Some women who remarry must contend with second husbands who are jealous and abusive.
- It is reported that in Nigeria, women who were abducted by Boko Haram and who birthed children "in the bush" face a double stigma, first as victims of rape and second as mothers of children born of war.
- In some contexts, mothers have trouble accepting their children. At worst, they seek to deny their existence, caught between giving birth to unwanted children or seeking illegal and unsafe abortions. Others live with mixed feelings toward their children, struggling for years with hiding the truth from them. Their

children also face discrimination and stigma, as seen by names they are called: “little killers,” “the fruit of hate,” and “the children of bad memories” in Rwanda; “children of the jungle” and “child of Bapa” (a colloquial term for Indonesian soldier) in Timor-Leste; or, in Nigeria, as “bad blood” and “hyenas among dogs” for fear that the children, especially boys, of women raped by Boko Haram will become the next generation of combatants.³ On the other hand, the mothers in Timor-Leste also spoke about the healing power of love they felt for their children, and their determination to build a better future for them.⁴

The reintegration of women survivors of sexual violence and their children so that they are accepted again into their families and communities, with access to political, economic, and social rights, is key to a society’s recovery and healing. In Cambodia, some survivors indicated that their family’s empathy had helped relieve their suffering and reintegrate them into their communities. Another survivor of sexual violence who testified before the Extraordinary Chambers in the Courts of Cambodia (ECCC) said it in the opposite way: “I lost the warmth of the family and there is nothing else more important than that.”⁵ For some, the isolation and suffering they bear due to the violations they experienced is so intense they have considered suicide.

Yet transitional justice mechanisms often fall short in addressing the multiple challenges of reintegration into male-dominated societies that women survivors of sexual violence and their children must face. They have been left unacknowledged and vulnerable to further discrimination and violence. In many transitional justice contexts, there are no trials for these crimes, so most women survivors never see their perpetrators held accountable by courts or by society. Without accountability, women may continue to fear harm. In Bosnia and Herzegovina, survivors who were displaced feared for their safety when they had to return to the places they lived before the war because the men who raped them remained at large. There is a particularly significant blind spot regarding children born of war who are seldom included in transitional justice processes. Their experiences are often left out in most accounts of past conflict, either from omission or neglect. Due to stigma, some women survivors try to conceal their children’s identity. Thus, children born of war remain invisible and unacknowledged, and the histories of conflict remain incomplete. Without attention to their needs and access to reparations to address them, many women survivors of conflict-related sexual violence and children born of war continue to suffer poverty, mental and physical illness, and poor education.

Even when transitional justice mechanisms create space for the acknowledgement of sexual violence and responses to survivors, this may not be enough to change public perceptions about sexual crimes or address the long-term needs of survivors. At the outset of the war in Bosnia and Herzegovina, for example, many women survivors of sexual violence bravely sought opportunities to share their stories and demand convictions of their perpetrators. Yet a shift has been noted in post-conflict Bosnia and Herzegovina when many women became afraid to speak of their experiences because of the public stigma that “would prevent them from rebuilding their lives. Crimes of sexual violence quickly became a sensitive issue. There was little public discussion about these crimes, despite the large scale of the crime and the number of people affected.”⁶ As Fadila Memisevic, Head of the Sarajevo Society for Endangered People, has said: “Those women were victims twice — when they were raped, and afterwards, when they were forgotten.”⁷

It is important to learn from transitional justice processes when they fail to address the challenges of reintegration. At the same time, it is equally important to highlight examples of transitional justice programs that have successfully contributed to the healing and reintegration of women survivors of sexual violence and their children. This toolkit centers and prioritizes survivors’ experiences, voices, and needs. It also shares lessons learned and examples of best transitional justice practices in the hopes of stimulating new and creative responses that support reintegration. When formal mechanisms are complemented by informal, community-based initiatives that invite the active participation of sexual violence and their children in their design and implementation, possibilities for more satisfying, long-term responses are strengthened.





Important Terms

In this toolkit, the content and subject matter are highly sensitive, and the language used to describe survivors themselves and their experiences matters greatly. That is why it is important to clarify some important terms used throughout this toolkit:

Children born of war, or CBOW, does not refer to all children born during a war or armed conflict, but refers particularly to children born of rape, e.g., children whose mothers were abducted and raped or gang raped, held in conditions of sexual slavery, or forced to marry without genuine consent.

Forced marriage refers to marriages forced on women by the state or by men who have abducted them. In Cambodia, the term refers to the specific practice that the court recognized as a crime against humanity in its conviction of Khmer Rouge leaders. Primarily in 1978, the Khmer Rouge systematically enforced a marriage policy to further control the population. About 250,000 men and women, including transgender men and women, were forced to marry in mass weddings, and in some cases, Khmer Rouge soldiers would spy on couples to be sure they had sexual intercourse. In these situations, forced marriage was accompanied by forced

pregnancy. Forced marriage also refers to relationships between men who make sexual claims and domestic demands on women they have abducted and raped. Although these relationships may be considered as **sexual slavery** or **slave-like conditions that include ownership and sexual violence**, they are also commonly called forced marriage and the women sometimes referred to as wives, “bush wives” (Uganda) or “second wives” (Timor-Leste).

Forced recruitment of women and children: Another term for forced recruitment is *abduction*, which means to take women and children away from their homes, usually by armed groups. They are then forced to do all sorts of things for the men who have taken them such as carry and use arms, cook, wash clothes, have sex, be clandestine messengers and spies, and provide information.

Genocidal rape refers to certain women who are targeted for rape because of their ethnic identity, with the intent to destroy an ethnic group. The Rwandan Tribunal was the first international criminal tribunal to find an individual guilty of genocide based on acts of rape and sexual violence.

Justice – retributive, restorative, distributive: In addition to transitional justice (see below), these other aspects of justice are useful to understand in relation to accountability in post-conflict situations. **Retributive justice** punishes those found guilty of crimes, whereas **restorative justice** seeks to restore social relationships with those found guilty, often through a process of reconciliation. **Distributive justice** uses principles of social justice for the fair distribution of social and economic benefits required in order for society to function well.

Psychosocial support refers to a range of mental health support services geared towards healing the psychological and emotional wounds and to rebuild social relationships and structures. In many locations, this is the work of civil society organizations, peer groups and concerned individuals as professional services are unavailable.

Reintegration comes from a Latin word that means “to make whole again.” In this toolkit it is used as an umbrella term that covers the interventions and support services to help women survivors of sexual violence and their children feel safe and secure, beginning with acceptance by their families and communities. Some people are critical of this term because for them it suggests the return to a society full of abuse and discrimination, where many people were never equally “integrated” because of identity based on race, ethnicity, sex, gender, religion, politics, or economic status. Reintegration may not be

a welcome prospect for those who have never had access to education, no chance to inherit family property/land, and no significant economic or political opportunities, and whose voices have been ignored.

Sexual slavery is when a person, primarily a woman or a girl, is abducted and held in a condition of slavery and subjected to range of sexual violations, abuse, and violence. In Rwanda, women and girls held as sexual slaves were subject to rape, gang-rape, and sexual torture and mutilation. In countries such as Timor-Leste, Uganda, and Cambodia, women and girls were also subject to forced marriage. As well as being subject to sexual violations, women and girls in these conflict zones were also forced to carry out forced labor, act as human shields, and be used in suicide bombings.

Stigmatization means different ways that women survivors of sexual violence and their children are negatively marked or identified, such as through language (name-calling) and bullying. It may also include discriminatory practices, such as neighbors in Cambodia who do not include girls born of forced marriage as bridesmaids, priests in Timor-Leste who refuse to baptize children born of war, men who refuse to marry daughters of known survivors of sexual violence, their children excluded from any form of inheritance.

Transitional justice means all the things a society does to rebuild itself on a foundation of justice and peace during a period of transition after an armed conflict or a transition from an authoritarian regime to a democratic government. One way to understand all the aspects of transitional justice is to think of justice and peace as a roof to protect society and help it to develop that is held up by five pillars. These pillars represent the need to:

- Seek and record the **truth** about what happened during the conflict;
- Seek **justice** through trials that make perpetrators of violations accountable for their crimes;
- Provide **reparation** (repairs) for survivors that may include economic support, and physical and psychological healing;
- **Reform institutions**, especially those that contributed to the conflict such as political, military, and educational institutions; and
- Conduct **memorialization** initiatives and develop special places to remember the conflict and those who suffered because of it.

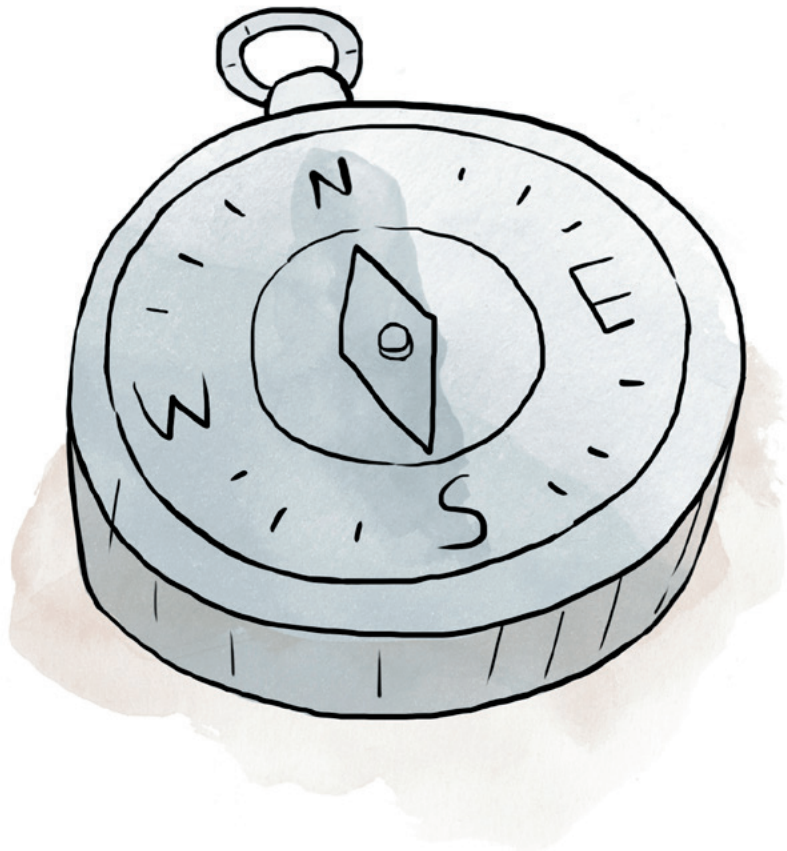
In general, **formal transitional justice mechanisms** refer to government-related processes like truth commissions and trials. **Nonformal mechanisms** refer to the many different things that local communities and civil society organizations do to support peace and justice, such as documenting survivors' stories, creating community memory projects, and supporting women survivors and their children.

Survivors of conflict-related sexual violence (CRSV): During armed conflict, sexual and gender-based violence is a strategy of war used to attack the "enemy" in patriarchal cultures where women are viewed as the property of men. Raping a female member of a family is seen as damaging the property of the male members of that family; raping the women in a village considered enemy territory is understood as an act of aggression because the women are considered stand-ins or proxies for the men in their families. It is important to add "conflict-related" to the phrase "sexual violence" as a reminder that the dynamics and impact of sexual violence during armed conflict are usually more severe, frequent, and involve a greater number of perpetrators than sexual violence that occurs outside a situation of armed conflict. Also, large numbers of women from the same community are often attacked over the same period of time so that they are vulnerable to both individual as well as collective trauma and shame. The ties that bind together families and communities are torn apart. In this toolkit, sexual violence is the starting point to look at the reality of violence against women that occurs not just during armed conflict but before and after it as well. The specific forms of sexual violence included in this toolkit include rape, genocidal rape, children born out of war, forced marriage, sexual slavery, and the sexual aspects related to forced recruitment or abduction.

Although men also experience sexual violence during conflict, this toolkit focuses on the unique experiences and needs of women who must survive in patriarchal cultures where social norms, political systems and economic relationships are dominated by men. In keeping with the key principle to use language with care, the phrase "women survivors of sexual violence" is used in this toolkit to express respect for their dignity, instead of the term "women victims of sexual violence," which might too easily invite attitudes of pity. The word "survivor" reminds us that women who experienced sexual violence do not need pity but rather the commitment of all societies to help protect and fulfill their human rights, including the right to fulfill their potential.

Key Principles

A list of key principles helps to ensure that those who work with survivors of conflict-related sexual violence and children born of war are respectful, and that their efforts and interventions fit well with the hopes and needs of those they seek to support. Periodic evaluations of reintegration programs and activities will benefit if they include a review of key principles: Have the principles been useful? Are they easy to remember? Do they need to be revised or additional ones adopted? A periodic discussion of key principles and practical ways to uphold them can help clarify priorities and approaches and contribute to a work culture of integrity. A commitment to implement key principles, especially those that may have been forgotten or pushed aside, is itself a process of collective reintegration.

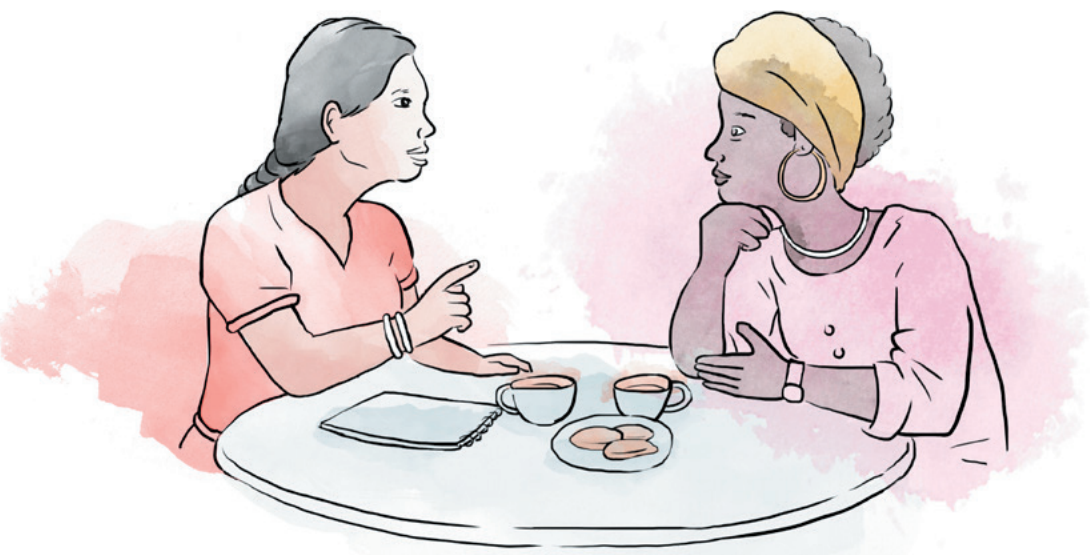


Do no harm: This principle should be used as a guidepost for all interventions and/or engagement with survivors and children born of war. To do no harm to the physical, mental, and emotional health of survivors means creating “safe spaces” where they do not feel threatened in any way. This includes not feeling pressured to remember and speak about painful memories unless, or until, they are ready to do so. It also means not to reinforce any existing ethnic or religious tensions that are present in a given context. This principle is often used to avoid retraumatization, but it is equally important to consider harms that may arise if patterns of dependency on practitioners or their organizations develop or if these organizations make commitments or imply support that may be difficult to sustain over time.

Free, prior and informed consent: This is a concrete application of the “do no harm” principle. It relates to the documentation of survivors’ stories, their participation in public events, or giving statements in public or to a truth commission. This principle protects the right of women survivors to decide what stories or experiences they want to share with others, in what forms, and whether or not they are identified by name. Before women survivors of sexual violence and their children share their stories, it is important they first understand the current and possible future use of their stories and are free to choose among the options available to them, including the option not to share their stories.

A commitment to survivors’ participation: Along with the principle “do no harm” is a commitment to ensure the active participation of women survivors of sexual violence and their children in all formal and nonformal transitional justice initiatives. This requires an awareness of the different kinds and degrees of participation, the conditions that contribute to their active participation, and what may or may not be possible in any given situation. For example, it may not be possible for women survivors of sexual violence to participate in discussions and decisions about the formation of an international tribunal, but quite possible for them to participate as witnesses. In general, the sooner women survivors of sexual violence are included in transitional justice processes, the better equipped those processes will be to not lose sight of their special needs. Transitional justice processes and survivors’ advocates do not empower survivors, but by offering support and building trust they help to create conditions for survivors’ empowerment and reintegration.

Use language with care: A commitment to survivors' participation in transitional justice programs means to support survivors' communication in their language of choice. This can also help build relationships of trust that form the bedrock of any effective reintegration response. Because issues related to translation may be essential to ensuring survivors' participation, they should be addressed at the beginning of transitional justice processes: Are adequate resources available to ensure meaningful communication with and participation of survivors? What needs to be translated and by whom? When are interpreters needed for oral translation? Which written materials should be prioritized for translation? Besides translation issues, it is also important to consider the impact that some terms may have on survivors, their families, and their communities. Thoughtful perceptions and assumptions about women who have experienced sexual violence should be reflected in the use of language. With this in mind, we have minimized the use of abbreviations and acronyms, which often get lost in translation.



Why and How This Toolkit Was Put Together

The Reintegration and Transitional Justice project was launched in March 2020 by the Global Initiative for Justice, Truth & Reconciliation (GIJTR) partners, the International Coalition of Sites of Conscience (ICSC), the Centre for the Study of Violence and Reconciliation (CSV), Asia Justice and Rights (AJAR), with the Humanitarian Law Center (HLC) and the Documentation Center of Cambodia (DC-Cam). The GIJTR is a consortium of civil society organizations around the world working to develop transitional justice approaches that are locally owned, holistic and victim-centered. The Reintegration and Transitional Justice project grew out of a particular concern among GIJTR members about the impact of sexual violence during conflict on women and children and the significant gaps within transitional justice to address survivors' needs.

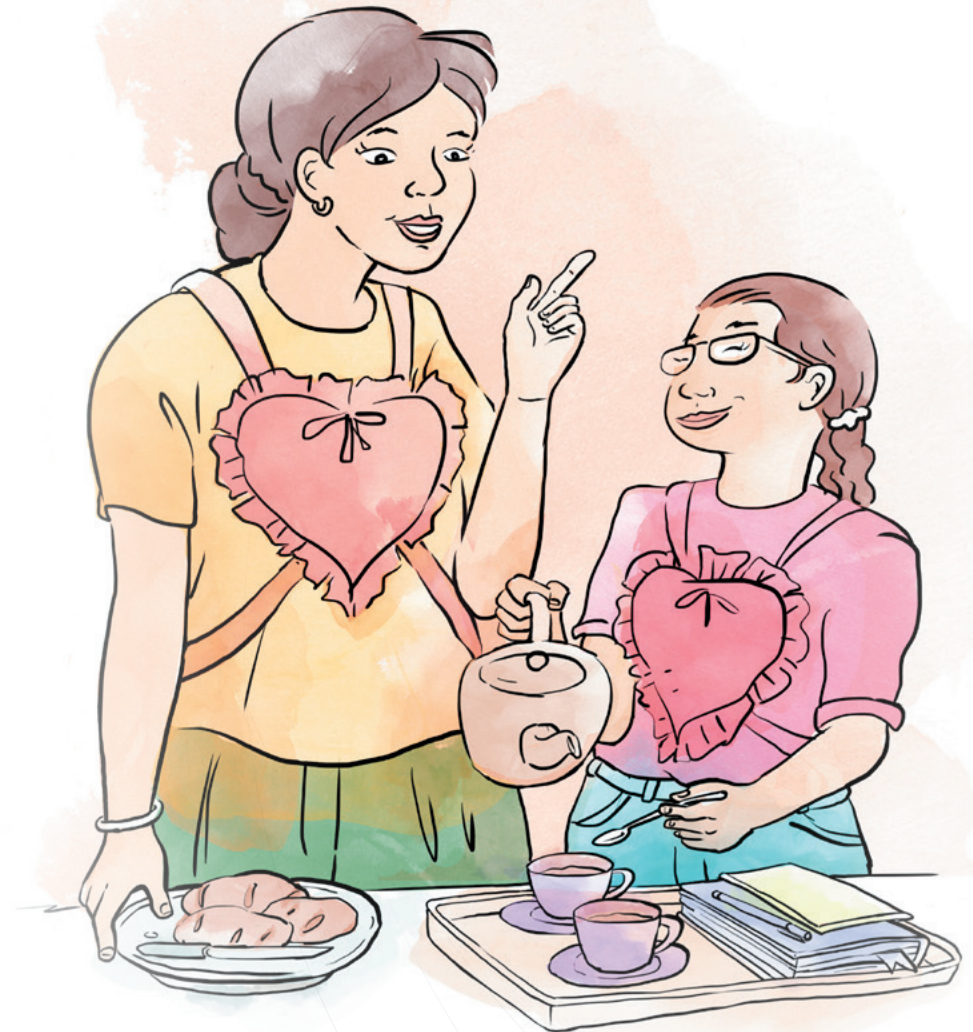
This toolkit was written primarily for individuals and civil society organizations that work with formal and informal transitional justice processes to support the social, economic, and political reintegration of women survivors of conflict-related sexual violence and children born of war. It promotes greater recognition of the unique reintegration needs of these groups and contributes to an area that, to date, has not been consistently or adequately addressed by formal transitional justice mechanisms and community organizations alike. The tools, lessons learned, and recommendations have been collected in order to help practitioners, survivors, their families, and communities work together for better reintegration that can improve the lives of survivors so that together they can renew their common social fabric that was ripped apart by conflict.

The toolkit is organized in three main chapters, respectively entitled **Truth**, **Bread**, and **Tea**.⁹ **Truth** is the prerequisite for empowerment and reintegration of survivors of sexual violence and their children. Listening to the experiences of survivors is the basis of acknowledgement, the opposite of denial and silencing. In this chapter, we discuss key lessons around documentation and truth-seeking tools, as it relates to the longer-term goals of empowerment and reintegration of survivors.

Bread is shorthand for ensuring that the foundations for survival are met. This includes efforts to meet survivors' basic needs for food, water, shelter, health care, having some security of owning land or a garden, and a dignified livelihood. From our experience working with survivors of sexual violence and

their children, countering the stigma and shaming assigned to victims and their family is also a foundation for survival. In this chapter, we discuss interim measures to assist survivors, as well as their right to justice – a measure that can signify a society’s intent to right the wrongful act of sexual violence by punishing the perpetrators.

Tea signifies the creation of circles of care – within the family, community, and society – that support survivors of sexual violence and their children, opening the door to social cohesion and reconciliation. This includes ensuring opportunities for survivors to heal from trauma, as well as initiatives to address root causes of the conflict, including patterns of gender-based and sexual violence that may be repeated or recreated in post-conflict settings. In this chapter, we will focus on lessons to fulfill victims’ right to reparations and the promise of never again repeating the violence of the past.



1. TRUTH: A FOUNDATION FOR EMPOWERMENT AND REINTEGRATION

"Truth, justice and accountability are key in upholding the human rights of women and their right to a life free from violence, particularly in countries in post-conflict situations."¹⁰

During conflict, sexual violence is often shrouded in silence. Perpetrators hide behind a wall of impunity, threatening victims to never speak about what happened. Survivors of sexual violence may be pressured to keep silent by family members fearful of the stigma that may ensue. Or, survivors feel disempowered from speaking out, paralyzed by guilt and shame.



"Truth is like a vast tree, which yields more and more fruit the more you nurture it."

Mahatma Gandhi



However, in the past decades, survivors of sexual violence and human rights defenders have made great strides to uphold the right to truth. This right emerges when there are gross violations of human rights and grave breaches of humanitarian law. For survivors of sexual violence and their children, they have the right to know the whole picture of what happened to them: What were the events and circumstances surrounding them, who were the perpetrators, and why did this happen? And importantly, how can this **truth** counter the stigma and exclusion that survivors and their children have experienced throughout their lives?

In this chapter, we will look at key lessons around **documenting** the stories of survivors of sexual violence and children born of war. We will also look at how truth commissions and other **truth-seeking** initiatives led by civil society, women's groups, and survivors' groups have developed approaches that help facilitate survivors to speak out about their experiences. We will explore the challenges, shortcomings, and creative responses that have been crafted to contribute to the empowerment and reintegration of women survivors of sexual violence and their children.

A Note on “Reintegration”

“Reintegration” is the last word of the triple-word concept “DDR – Demobilization, Disarmament, and Reintegration.” DDR are interventions that focus on transforming former combatants to become civilians in a new democratic and peaceful settings. According to the UN guidelines on DDR, its goal is “to deal with the post-conflict security problem that results from ex-combatants being left without livelihoods or support networks, other than their former comrades, during the critical transition period from conflict to peace and development.”¹¹

However, in the last decade, there have been efforts to create community-based reintegration programs that look beyond only supporting former combatants. In the words of Pablo de Grieff, former UN Special Rapporteur on transitional justice: *“While these (DDR) programs distribute benefits to ex-combatants, victims, by contrast, receive nothing. In virtually all countries where DDR programs have ever been established, the charge has come up.”*¹²

Community-based approaches to reintegration support focus on the needs of the community as a whole, as a more effective approach to sustain peace: *“Compared to targeted assistance programs for ex-combatants, community-based reintegration approaches have advantages that may provide broader benefits within the community. Such approaches have more potential for sustainability as ex-combatants are located in the communities and work together with other community members for local development. Such an approach may also promote community reconciliation as ex-combatants are not seen as the sole beneficiaries of assistance. Additionally, reintegration activities, apart from community recovery and reintegration, may link into other development programs. It also promotes closer collaboration with other development actors. Finally, community-based reintegration promotes community empowerment, transparency and accountability*

*as beneficiaries are selected through community-based approaches.”*¹³

As civil society and women’s groups continue to work with survivors of sexual violence and their children born of war, the urgency to adopt and adapt some of the best practices of reintegration to their own journey to empower survivors have become more and more pressing.



1.1 Documentation Tools

Documenting the experiences of survivors of sexual violence is a building block that contributes to all elements of transitional justice: collecting evidence for prosecution, understanding the impact of these violations, contributing to a historical narrative about conflict, and analyzing the role of institutions that must be reformed. Truth commissions are endowed in their mandates to document, discover, and acknowledge statements by survivors and witnesses in order to establish patterns of human rights violations and to compile an accurate account about a past conflict.

Although documentation of the experiences of women survivors of sexual violence and their children is needed for their participation in transitional justice processes, shame and isolation make that difficult. In Nigeria for example, one survivor explained that after she was rescued from Boko Haram insurgents, she was too ashamed to go for a medical examination, even though it was free. She was afraid that if she explained what had happened to her, she would be stigmatized and have trouble getting married. Other women have a similar fear. Two abducted women were sleeping in a Boko Haram camp when they were awakened in the middle of the night by Boko Haram fighters:

...as soon as we moved deep into the woods, one of them dragged me away, while his partner took the other woman in another direction. I guessed what they had in mind and began to cry. I begged him, telling him I was a married woman. He ignored my pleas, flung me on the ground, and raped me. I could not tell anyone what happened, not even my husband. I still feel so ashamed and cheated. The other woman told me she was also raped, but vowed never to speak of it again as she was single and believes that news of her rape would foreclose her chances of marriage.¹⁴



In Bosnia and Herzegovina, it is reported that almost all children born of war who know the truth about their birth hide their identity to avoid discrimination – boys being told they will grow up to be rapists just like their fathers and girls being told no one will marry them when they grow up because no one knows “to whom they belong.” As in Bosnia and Herzegovina, most countries in transition also do not have a central registry that documents the identity and whereabouts of children born of war. On the other hand, the creation of such a registry may also further stigmatize and jeopardize their right to privacy. Stories such as these are often missed when documentation processes are not inclusive or sensitive to the nature of the crimes and experiences of survivors and children born of war.

Another example of a sensitive response to women survivors of sexual violence is seen in truth commissions that provide different options of confidentiality to those who want to share their stories. This protection may include the option of giving statements anonymously by using initials instead of names on written materials or participating in public audiences from the privacy of a hidden booth or room.

Recently, a global effort led to distill a code of conduct on how to document stories of sexual violence is underway. The Murad Code is a response against a recurring pattern of documentation that ignores survivor-centered approaches and is based on global consultation led by a Yazidi survivor-activist and Nobel Peace Laureate, Nadia Murad. The Draft Murad Code presents Eight Principles: 1) recognizing survivors as individuals; 2) ensuring that there is enough time and a safe space for documentation; 3) building on local knowledge and capacity; 4) allowing enough time and resources for preparation; 5) committing to adding value, if not refraining from documentation; 6) building competencies and systems with long-term approaches; 7) being respectful and ensuring safety; 8) creating an approach that is secure and has integrity. The Draft Code is now available for further comments and inputs. Complementary to code is a Survivor’s Charter, crafted by survivors themselves to represent the hopes of survivors on how documentation should be conducted.

Civil Society's Role in Documentation

In many countries, the opportunities to document the stories of survivors of sexual violence and their children do not always coincide with the short time frames of truth-seeking mechanisms. Some survivors are not yet ready to tell their story, when truth commission staff come into their village or town. Or, there may not be enough political will for transitional justice processes to allow a genuine truth-seeking process. Thus, civil society has a key role in conducting documentation that fits the timing of survivors.

Manuela Pereira (Associação Chega Baita, ACbit) from Timor-Leste speaks about the immense pressure women survivors of sexual violence experience, limiting their capacity to take up opportunities to tell their story. Many survivors live in isolated rural areas, lacking information and access to basic services. They face challenges when their children cannot get their citizenship paper, due to the demands of documentation from mother and father. As single mothers, they are vulnerable to others taking over their land and property. Thus, civil society groups play a key role in documenting stories, before, during, and after any official truth commission or inquiry. Timor-Leste's truth commission (CAVR, 2002–2005) organized a women's research team and held a public hearing on the impact of conflict on women in 2003. Its final report has a chapter on sexual violence. But women's groups like ACbit have worked in parallel and with official mechanisms for decades.



Colombia

RUTA PACIFICA DE LAS MUJERES/WOMEN'S PEACEFUL PATH: A COMPREHENSIVE FRAMEWORK FOR DOCUMENTATION

Several years before the peace agreement between the government of Colombia and FARC-EP (Revolutionary Armed Forces of Colombia) in 2016, Ruta Pacifica, a national women's movement, interviewed more than 1,000 women and documented nine illustrative cases that involved almost 15 women each over a period of nine months. The five "approaches" related to Ruta Pacifica's documentation work describe a broad and integrated understanding of documentation.

- 1. Women's rights:** Women's rights to truth, justice and reparation, especially in relation to armed conflict, are the basis for investigation and documentation of women's experiences.
- 2. Women survivors as subjects:** Ruta Pacifica gives particular attention to women's different experiences and expressions of war. Because women are the subjects of their own stories, women share their experiences in their own voices and with their own interpretations. A history of discrimination and violence has created conditions for the sexual violence women experience during the conflict and since the peace agreement. This feminist perspective is important for an analysis of the documentation. The promotion of women and their stories seeks to rescue women from male-dominated history, and offers real and symbolic reparation to women survivors.
- 3. Participatory Action Research (PAR):** Ruta Pacifica practiced participatory action research in several ways.
 - Ruta Pacifica interviewed women from the territories in Colombia where the conflict was most intense. Their differences included ethnicity (Afro, indigenous, Roma),

sexual orientation and gender identity, economic class and roles (peasants, employees, housewives, teachers), age (youth/adults/elders), displaced women, and others.

- Ruta Pacifica interviewed 1,000 women and worked to codify their narratives. About 13% of the women interviewed experienced rape and other forms of sexual violence during the armed conflict; 15% reported experiences of sexual violence throughout their lives. These findings, compiled in a 2013 report, were promoted by an informal women's truth commission that Ruta Pacifica established.
- They began the process with women survivors who are part of the Ruta Pacifica movement, and these women helped to identify other women who could be interviewed. The women were not limited to talking about conflict-related experiences; they were free to talk about all the events that had an impact on their lives, bodies, families, and friends. In this way, the continuum of violence was built in from the beginning. This provided more complete documentation about different types of private and public violence that occurred over a long time, and also showed how armed actors intensified the violence against women. Some women shared their information anonymously for fear of retaliation by the men who had hurt them.
- Women interviewers helped to ensure the active participation of the women interviewed. Some of the interviewers were also survivors who could understand the pain of the women they interviewed because of their own painful experiences. The interviewers and those interviewed could identify with one another, and this strengthened the process. Those who managed the documented interviews – the female transcribers, coders, researchers, and advisers – also participated in “compassionate listening” to the voices in the documents,

and were touched by this experience and its results.

- After the final report was finished, the women who were interviewed, as the main protagonists of the report, provided feedback.

- 4. Psychosocial support:** The women researchers who designed the documentation process realized that it would reopen wounds. To be sure that the women interviewed felt supported, female professionals were available to provide psychosocial support.
- 5. Women's Truth Commission:** The documentation and research process finished with a report and the Commission for the Truth of Women Victims of the Armed Conflict conducted by Ruta Pacifica to support reconciliation and reparation.

Nepal

DOCUMENTATION THAT BEGINS “IN THE KITCHEN”

The Story Kitchen (TSK) is a civil society organization that challenges patriarchy as the source of gender oppression by documenting women's stories. Stories of women's sacrifices as well as contributions on behalf of the country's development, in the past and also now, contribute to a renewed understanding of Nepal and its history that has always been dominated by men's stories. TSK uses a grassroots approach by meeting women locally and sharing their stories nationally. It seeks to be inclusive by inviting women of different castes, ages, communities, cultures, and languages to participate in storytelling to help shape a national narrative that recognizes the important role of women. So far, TSK has documented over 1,000 stories of women survivors of sexual violence with audio and digital recordings.

Timor-Leste

SURVIVOR-CENTERED APPROACHES TO DOCUMENTATION

Asia Justice and Rights (AJAR), together with its sister organization, ACbit, uses a variety of participatory action research methods in its trainings and via its network of partners to strengthen documentation efforts. Body mapping of women survivors of sexual violence, mutual interviews among them, and using “postcards of love” to facilitate communication between mothers and their children are examples of nonthreatening opportunities for survivors to share painful experiences from the past and present. It is important to note that many of the participatory action research (PAR) methods AJAR has developed are not text-based or use a combination of text with other forms. Drawings, body maps, audio and video recordings, collages, role plays and more help to “level” communication in groups whose members have a range of literacy skills. A range of methods also invites individuals to “get out of their head” in order to explore their own past experiences more fully, but also to more fully understand and respond to the experiences of others. ACbit has now collected more than 400 testimonies from women survivors of gender-based violence.

Nigeria

SURVIVORS’ NARRATIVES PLUS RELIGIOUS DIALOG: STRATEGIC DOCUMENTATION ON BEHALF OF RECONCILIATION

Sulhu Alheri Ne – “reconciliation and settlement is good” – is a community-based dispute resolution process designed by the Center for Democracy and Development in Nigeria. Although the process has not yet been tried following the Boko Haram insurgency, this collection of narratives, Islamic traditions, and teachings is being promoted among religious leaders and the general population in the hopes of making the message of reconciliation a popular one. Its potential for enhancing reintegration has yet to be tested.

1.2 Truth-seeking Tools

When political transitions allow for the establishment of a truth-seeking process, it is important to ensure that policies and procedures are adopted to allow survivors of sexual violence to participate. To date, a number of truth commissions have made a special effort to address gender-based violence. These include earlier truth commissions in Guatemala, South Africa and Peru that were a helpful reference for later efforts in Kenya, Liberia, Morocco, Sierra Leone, Solomon Islands, and Timor-Leste. There are advantages when a commitment to including issues of gender-based violence are included as part of the official mandate of a truth commission. Special outreach to women to invite their participation, offers of special protection to women who want to make statements or give public testimony, and efforts to include gender-based violence as part of the historical narrative of a conflict are found in the work of these commissions. In Colombia, the law mandates that the comprehensive transitional justice system, that includes the Truth Commission, be victim-centered, and there are specific arrangements made for women’s participation. Women and children have participated as far as conditions permit, but this has been more difficult for women survivors of conflict-related sexual violence and children born of war because of the continued potential for retaliation by perpetrators as well as the stigma they face as a result of disclosing what happened to them.



Timor-Leste

INTEGRATING GENDER INTO A TRUTH COMMISSION: A COMPREHENSIVE APPROACH

The Commission for Friendship, Truth and Reconciliation (CAVR) in Timor-Leste offers a good example of the many ways a formal truth commission can not only address sexual violence but seek to promote gender equality throughout its structure and programs. The commission's legal framework that established the grounds for gender representation and expertise among its staff and commissioners was reflected in the structure and work of the commission. Since the commission was unable to investigate all human rights violations, it chose to prioritize the most serious violations committed. These included rights violated by rape, sexual assault, and sexual slavery.

Although all the commission's research teams were encouraged to include a gender perspective, one of the ten teams was specifically focused on women in the conflict. The five-member women's research team conducted interviews with women survivors of human rights violations, including sexual violence, and conducted a public hearing on women in the conflict that was televised nationally. Women

also participated in the commission's healing workshops that were conducted throughout the time of the commission, one of which was a preparation session for all the women who spoke at the public hearing. This opportunity for women from all over the country to get to know each other and share their stories created solidarity and mutual support that helped them during the public hearing.

The women who shared their experiences of sexual violence at the hearing provided Timor-Leste with some of its first public education about sexual violence. More than a fifth (21.4%) of the nearly 8,000 statements taken by the commission were from women, and 27% of those who received urgent reparations were women. One of the most important moves of this commission in terms of reintegration was that two of the three CSOs with which it contracted to provide support services were women's CSOs. These organizations provided follow-up support to the women who gave statements and who participated in the public hearings and the commission's urgent reparations program. Besides follow-up work with individual women who participated in the commission, the CSOs also worked with communities to address the isolation that many victims, especially village women, suffered. Although follow-up support did not extend to all districts in Timor-Leste and did not extend beyond the life of the commission, seeds planted by the cooperation between this truth commission and CSOs took root through ongoing advocacy and support for the healing and reintegration needs of women survivors of sexual violence and their children even after the truth commission had finished its work.



Findings from various truth-seeking measures from around the world clearly document how conflict-related sexual violence functions as a weapon of war and the deep marks it has left on women survivors and children born of war. However, in some places, such as Nigeria, the truth remains incomplete. Although there are reports of women's abductions, information about their experiences while held by Boko Haram fighters is missing or underreported. In addition to having been raped by Boko Haram, these women have become slaves who have been used for

forced labor, as human shields, and as suicide bombers. Because the government has failed to make serious efforts to rescue these women and girls while also failing to acknowledge the intensity of their experiences, over time people have become less sensitive to the horrors of sexual violence.

The specific nature of sexual violence varies from country to country, but a reality that women survivors of sexual violence share is that their suffering and trauma does not end with the passing of the conflict. Rather, it often becomes heavier as they struggle physically, emotionally, socially and economically post-conflict. It is important to study all these aspects so that reintegration efforts to address them can be as holistic as possible.

Civil Society–Led Truth-Seeking Initiatives

When there is official denial, or lack of political will from state actors, civil society organizations have also made significant contributions to truth-seeking in ways that support women survivors of conflict-related sexual violence and children born of war.



In 2000, women’s groups from Japan, Philippines, Korea, Holland, Indonesia, and Timor-Leste organized a civil society-led truth-telling process. Called the Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery was held in Tokyo in 2000 to examine allegations of sexual slavery during World War II by Japanese soldiers in Asia. From December 8 to 12, 2000, the tribunal heard testimony and demands from about 60 survivors. The tribunal involved international jurists as prosecutors and judges. A year later, a 200-paged decision was handed down at the Hague, finding Emperor Hirohito guilty of crimes against humanity.

Cambodia

CAMBODIAN DEFENDERS PROJECT: REVEALING THE TRUTH ABOUT SEXUAL VIOLENCE BY BRIDGING LOCAL REALITIES WITH INTERNATIONAL ORGANIZATIONS

The Cambodian Defenders Project (CDP), a human rights organization established in 2001, provides legal representation for the poor and vulnerable, and seeks to strengthen democratic rule of law. Its support for women survivors of sexual violence is seen in its reports to the Committee on the Elimination of Discrimination Against Women (CEDAW) regarding sexual violence. For example, its 2013 report to CEDAW includes a recommendation with a clear truth-seeking agenda. It recommends that the Cambodian government:

...rigorously document the crime of sexual and gender-based violence under the Khmer Rouge regime as part of the historical record and publicly acknowledge the truth about widespread SGBV which occurred during the... regime and recognize the victims by initiating an official study commissioned by the RGC [Royal Government of Cambodia] to document women’s experiences and by supporting on-going awareness raising campaigns on past experiences of survivors in order to break the silence and reveal root causes of VAW [violence against women]. Documentation and awareness campaigns should reach a wide public, especially universities, as a basis for

further discussion and deeper understanding on the connection and continuum between past and present VAW in Cambodia.¹⁷

The CDP's commitment to gender justice is also seen in the women's hearings it organized. One goal of these hearings was to pressure the Extraordinary Chambers in the Courts of Cambodia (ECCC) to hold the Khmer Rouge accountable for sexual and gender-based violence. These hearings encouraged women to participate in all aspects of transitional justice, yet truth-seeking was clearly front and center in raising gender awareness in other aspects of transitional justice. The CDP conducted women's hearings in 2010, 2011 and 2012. The final hearing in 2012 was the Asia Pacific Regional Women's Hearing that included stories of survivors from four countries and an international panel. During this period, five survivors of the Khmer Rouge regime – four women and one man – shared their experiences with a panel of eight students who represented several local universities. After the survivors spoke, the students took turns asking them questions

and making comments. Afterwards, the panel of students issued a statement that included recommendations to various stakeholders.

Public acknowledgement of their experiences gave women survivors some relief from their suffering and encouraged them to speak out more. The realization that their experiences were not isolated, but that many women suffered gender-based violence by the Khmer Rouge was a major contributing factor to their empowerment for the hearings sparked intergenerational dialogue (between survivors and university students) as well as regional dialogue (among survivors, their advocates, and gender justice advocates in Asia and the Pacific). Such efforts broaden the platform for women survivors to share their experiences, develop important networks, and expand public understanding about sexual violence.



Other examples of civil society truth-seeking efforts give particular attention to children born of war. Of course, transitional justice programs to support these children will depend on the period of time that passes between the conflict and the specific program that is developed. If a transitional justice process occurs toward the end of a conflict or shortly after it, women who became pregnant as a result of sexual violence may not yet have given birth or, if their children are still very young, the full weight of stigmatization and discrimination toward children and their mothers may not yet be felt. Nevertheless, with each passing day, the children get older and the challenges they face will grow. Best practices and lessons learned from post-conflict responses to children born of war can still be useful in other contexts, if not immediately, then in the months and years to come.



Colombia:

CONFIDENTIALITY AND THE ART OF ATTENTIVE LISTENING

These basic communication principles may not seem particularly innovative but they are included here precisely because they seldom get enough careful attention. The ability to create safe spaces as part of any truth-seeking process is essential to a transformation from trauma to healing and empowerment. *Red Mariposas de Alas Nuevas Construyendo Futuro* (Butterflies with New Wings, Building the Future Network) uses a self-protection strategy based on respect and confidentiality, with roots in Afro-Colombian traditions. *Comadreo* derives from the word “comadre,” which literally translates to godmother or “co-mother.” In the context of war and post-conflict, however, the *Red Mariposas* have used the word to mean a strategy for creating a space where women feel safe to talk because no one is singled out, judged, or condemned.

Within the strategy of *comadreo*, *Red Mariposas* began by identifying the violence experienced by women and girls, and later extended the space to include members of the LGBTQI+ population. Participants are free to remain quiet or speak out, but providing this space is often the beginning of a journey toward healing by doing. Another key factor is the perception of those who listen concerning those who speak as social subjects. “When someone feels as though they are only a victim, they extend their hand to receive, but when we work on the fact that you are a social subject with rights...and that you experienced...[violence], but that ...you are much more than that...you begin to recover that sense of self, and that is really what we aim for.”¹⁸

Partners in Colombia identify several aspects involved in what they call “compassionate listening” or “reflective listening and dialogue”:

Attention to location: One of the first things to do, especially in a place like Colombia, where the situation is still dangerous,

is to find a neutral space, such as a hotel, where women who want to speak can be sure no one else is listening.

Don't tell survivors what to do: Women may have had similar experiences of forced labor or sexual violence, but each woman's experience is unique, and so is the way they speak about and process it. Those who listen never tell survivors what to do but rather ask the survivors what they want to be done.

No pressure to identify perpetrators: Listeners see themselves as guides for a process that is determined by the survivor. If a judicial process is possible and a survivor wants to pursue this, that is one path, but not the only path, that listeners support. This is where *comadreo* comes in and helps survivors remain in the network.

Survivors' listening sessions: Not only are “listening sessions” used to shape a process of truth-seeking and healing, but survivors are also trained by professionals to conduct listening sessions among themselves.

When an interview to collect documentation on conflict-related sexual violence is understood primarily as a listening session the power dynamics are likely to shift so that the woman or children born of war speaking is the one “in charge” rather than the person who asks questions. This shift does not need to erase the purpose of documentation in relation to truth-seeking but may help to improve it.

Bosnia and Herzegovina:

BREAKING THE SILENCE, BUILDING SOLIDARITY AMONG CHILDREN BORN OF WAR

The Forgotten Children of War (FCW) Association in Bosnia and Herzegovina, founded in 2015 by children of war and CSO activists, advocates for the official recognition of children of war as a separate group of survivors with special needs and rights. FCW believes the only way to stop discrimination and stigmatization of children of war is by breaking the silence about them and making them more visible. It has developed a variety of unique approaches – art, educational programs, research and analysis, local to international networking – to improve the social and legal recognition of children of war. As a result, some children of war have begun to step out in public, encouraged by the realization that they are not alone but stand together with other children of war who have also had negative experiences. At the same time, FCW recognizes that the struggle for acknowledgement of children of war cannot be separated from the struggle to eliminate gender-based violence and any tolerance for it. So another key aspect of FCW’s approach is to build solidarity among women survivors of sexual violence so that they also realize they are not alone.

“To be different all of my life and treated differently...[means I have been searching for answers, and I found them when I was 15 years old. At that moment, I realized that it’s unjust, what my mother and I went through, because she is not guilty of anything, and nor am I. So I wished that this world would become a better place for my mom and other women that have survived the same, and then for the children too. At that moment, all of my childhood unrest and courage transformed into enormous power, which today, with the support of my mom and my stepfather, I invest in activism. It’s important to emphasize that...my stepfather...is my guardian angel, and my one and only father, my dad, my courage. From the beginning of the fight, I hoped, and I still hope, that other mothers and other children would use the strength that I possess, that

they’ll find in my deeds, and recognize it in my words which will find a way to them, those words I use to emphasize that they’re not alone. What they’ve been through, and survived, is nothing they should be ashamed of. And that, for me, they’re proud, and they’re my family.”¹⁹

1.3 Lessons Learned

- For many women survivors, a formal truth-seeking process is their first exposure to a broad-based public documentation effort, so it is especially important that they feel included in ways that feel safe. Building **partnerships with civil society organizations**, particularly those experienced in documenting gender-based violence, is key to building networks for long-term reintegration. For example, members of women’s civil society organizations in Timor-Leste played different roles in the truth commission, including work on documenting sexual violence. Decades later, some of these women continue to advocate on behalf of women survivors.



Recommendation: Formal truth-seeking programs, or official inquiries, benefit from an initial assessment to identify individuals and organizations with experience documenting gender-based violence, and have selected individuals and organizations participate in the design and implementation of documentation efforts.

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- Truth-seeking processes have been enriched, and ground-breaking practices established, with the help of documentation that records experiences of women survivors. However, with few specific examples, practices that strengthen survivors' participation and promote their reintegration should be expanded.

In Timor-Leste, ACbit and AJAR's initial efforts using different methods to improve communication between mothers and their children, have the potential to raise public awareness of their rights. The strategy in Nigeria of influencing religious leaders with messages of reconciliation should include the special needs of women survivors and their children. The facilitation of community-based, participatory documentation projects can help demonstrate how conflict damages social relationships and how they can be healed. Documentation experiences of one community can be shared with other communities via mobile exhibits, short videos, and radio programs, for example. It is interesting to consider what is possible if the focus shifts from individual to more collective documentation. For example, what is learned when women survivors or their children document their experiences, expanding to include communities documenting one another's experiences.

Recommendation: CSOs and government bodies involved in documentation of sexual violence should consider how effective individual documentation practices can be applied more broadly to create participatory community documentation programs.

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- Another lesson comes from Bosnia and Herzegovina where the key principle of "do no harm" applies to how documentation efforts are framed. Compiling statistics on the number of rape survivors of war should not be perceived as showing preference for one group over another, but rather as an effort to create a comprehensive registry showing the scope and pattern of gender-based crimes. The same holds true with the way documentation of reintegration needs is understood, and the choice of language used to explain it. The purpose is not to favor any particular ethnic or religious group, but to repair broken family and community relationships so that societies, and not just individuals, can be healed.

Recommendation: Documentation of sexual violence should include a system of checks and balances or other processes that avoid political, racial, ethnic, economic, age, sexual orientation, or other potential bias. This can be reinforced by consistently using the language of human rights.

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- When considering the role of documentation on behalf of reintegration, the focus expands beyond advancing transitional justice projects such as supporting prosecutions by national, international, or hybrid courts; producing a truthful national record of the past; or building a national reparations registry. Building solidarity among family and community members can be a focus of documentation efforts. Those who share this expanded vision must also share a commitment to the principle of informed consent for all documentation tasks. The participation of women survivors and their children in the design of documentation efforts is a good way to ensure the implementation of informed consent.

Recommendation: The participation of women survivors and their children in the design and implementation of documentation efforts as a part of the longer process of reintegration is crucial to meet this inter-generational goal.

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- Formal truth commissions and commissions of inquiry usually exist for only a few years. Whereas experiences of conflict-related sexual violence have a traumatic impact that often changes over time, and issues relating to children born of war may not have emerged or been deeply experienced. Truth-seeking processes may have innovative and empowering ways to counter the silence and shame that surround gender-based crimes. Formal processes that follow-through on a commitment to gender equality may succeed in breaking the silence of women survivors and their children, but significant contributions to reintegration often require more time than is available to a truth commission. An example of this limitation comes from Cambodia. A woman explained that the

only reason she spoke at the women's hearing in Phnom Penh was because she knew that her neighbors, who did not have a TV, would not follow the hearing. If they had heard her story, she feared their reaction might force her to move. The women's hearing could not address this concern.

One finding from Timor-Leste is that even after a truth commission, there is a need for truth-telling to continue. Seeking and affirming the truth about sexual violence can lead to healing and continued advocacy for individuals and their communities, but it is a long-term process. Keeping in mind the long arc of justice will help truth commissions prioritize developing relationships with civil society organizations that can continue and expand the work once formal processes end. Continuing to create opportunities beyond the life of a truth commission that encourage women survivors to tell their truth, involve their children in activities that empower them, improve their access to basic services, and seek to change attitudes toward them, are all actions that support reintegration.

Advocacy to fulfill women survivors' rights to justice and reparation require a long-term relationship between civil society organizations and survivors that a truth commission can initiate. Truth-seeking processes that are able to continue beyond the existence of a formal truth commission can be an opportunity to seek the truth from underrepresented populations. For example, what is known about sexual violence experienced by members of the LGBTQI+ community in Cambodia and Colombia suggests that more documentation is needed. Children born of war deserve a platform to share and acknowledge their experiences. Daughters of survivors of sexual violence may be vulnerable to revictimization, as their extended families are unable to protect them from sexual exploitation and violence.

Recommendation: Both formal and nonformal truth-seeking processes can make a significant contribution to reintegration in three ways:

1. *From the beginning of a truth-seeking process, invite the participation of CSOs with experience in documentation of gender-based violence or work on women's and children's rights. As far as possible, include them in the design, planning, and implementation of activities, and help prepare them to continue the process once the formal program completes.*

2. *Throughout the truth-seeking process, seek to facilitate close relationships among CSOs, survivors, and their children so that they continue after truth-seeking processes complete.*
3. *Facilitate the safe participation of women survivors and their children in all truth-seeking efforts to ensure that their experiences are included in histories that seek to reveal the truth about past conflicts. Seek to include issues of social stigmatization, harassment, and the resulting fear and trauma into the truth-seeking process.*

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- Formal truth-seeking processes often bring an international presence in the form of staff, advisers, journalists, and sometimes even commissioners. More reflection is needed regarding the impact of this on the lives of people in the country to maximize the positive and minimize the negative. In Bosnia and Herzegovina, for example, women spoke courageously about their experiences of sexual violence at the beginning of the war, but became afraid to speak publicly post-conflict for fear of the stigma further disrupting their lives. There are several reasons for this change of attitude, but it is likely that one reason relates to the international attention. International media coverage, for example, not only gives legitimacy to the stories of local women, but offers a sense of security – “the whole world is watching” – that fades over time, as they feel let down by their communities and the people who heard their stories. How can an international presence connected to any transitional justice process help build local networks and meet survivors' needs when they feel the world has stopped watching?

Recommendation: *International partners are encouraged to reflect regularly on ways they can hold themselves accountable to women survivors and their children in order to minimize any negative or unintended impacts.*

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- Lessons learned from Colombia include the simple ability to listen well. Colombians use the terms “compassionate listening” and “reflective listening and dialogue.” Activists from other countries describe “active listening” or “deep listening” when survivors speak. Making an intentional commitment to improve listening skills through study and practice could make the difference between a truth-seeking process that is healing and one that feels exploitative. In the same way, the need for confidentiality cannot be overstated. The use of a concept with Afro-Colombian roots, such as comadreo, supports local ownership of truth-seeking. Another example from Nepal is a reminder that there is a sense of “safety in numbers,” and that some women survivors are more likely to raise their voices collectively.

Recommendation: *To support a survivor-centered approach to truth-seeking, the following steps are recommended:*

1. *As part of the design for a truth-seeking process, seek local terms and concepts to help convey the purpose of the process, while respecting women as survivors, can be a strength to others.*
2. *Those who gather primary documentation should receive training on listening skills.*
3. *Depending on security issues, the principle of “do no harm” requires clear procedures to ensure confidentiality, informed consent, and safe spaces for women survivors to speak. This is especially important if there is the possibility of retaliation by perpetrators.*
4. *Explore alternatives to the dominant mode of individual testimonies so that the truth expressed through a collective voice can also be captured and acknowledged.*

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- A narrower focus on the violence and discrimination women experience during conflict may be necessary to produce a clear record of the conflict, but it will limit both analysis of, and responses to, those experiences. Many truth commissions have mandates to search for the root causes of a conflict to prevent recurrence. In the case of sexual violence, this requires an understanding of violence against women over time. Post-conflict initiatives based on an understanding of the legacy of preconflict conditions shine light on what allowed sexual and gender-based violence. The invitation by a civil society organization in Colombia for women to share their full stories, rather than just talk about what happened to them during armed conflict, enables a broader analysis of gender-based violence while highlighting women survivors’ own resilience.

Recommendation: *Although documenting the entire life stories of women survivors sexual violence and their children may appear prohibitive in terms of time and resources, or could mean that quantity is sacrificed for in-depth quality, the long-term advantages may be worth the trade-off, especially if there are local organizations to continue the truth-seeking process beyond the life of a formal commission. Creative methods such as body-mapping, which invites survivors to create life-size outlines of their bodies filled with images and text to represent their lived experiences – before, during and after conflict – can support these processes.*

2. BREAD: WHAT SURVIVORS NEED TO SURVIVE

"All too often I hear about the lack of accountability which further perpetuates a sense of distrust in the ability of national courts to provide justice and redress to women victims of violence."²⁰

Truth is not enough. Again and again, survivors of sexual violence who participated in documentation and truth-seeking processes share their struggles to put food on the table, pay children's school fees, and deflect the scrutiny and mockery of their community. In 2012, in Timor-Leste, the National Victim's Association (NVA) conducted a participatory research project, seven years after the truth commission was completed.²¹ In this study, women who chose to speak about their experiences of sexual abuse to the CAVR felt bitter about their stories being documented while they were left to survive on their wits. One survivor asked why she had never heard back from the commission, and whether her testimony was gathering dust in



some government agency: “Did my suffering entertain you?” Another woman who spoke about her experiences at a CAVR public hearing, expressed her deep disappointment. Although she gave birth to two children out of rape, one of whom is disabled, she received little assistance. She has struggled to raise her two daughters. Tragically, one of her daughters became a victim of sexual abuse in their community. “Now her life is like mine,” she said.

In this toolkit, **Bread** is used as a metaphor to indicate the urgent measures survivors need to survive. Given the slow pace of transitional justice processes, there needs to be focused attention on the needs of survivors and their families. This includes assisting survivors to meet their basic needs, as well as land ownership and dignified livelihoods. However, survivors speak of the stigma and ostracism they experience, which affects their survival. In this chapter, **urgent assistance** for survivors is discussed, as well as their right to **access justice**, however flawed. For survivors, justice measures signify an important societal resolve to punish perpetrators, declaring their acts as criminal.

2.1 Urgent Assistance and Empowerment

Survivors speak about the triple impact of sexual violence on their security, health, and economic status. In places such as Nigeria, the physical burden on women survivors continued, as sexual violence simply did not end. Many women who were rescued from Boko Haram camps continued to be sexually exploited by members of the military and other security agents after they were placed in internally displaced persons (IDP) camps. It may be impossible for women to tell the difference between their violators and their so-called protectors – the line between who is an enemy and who is a friend is blurred as the women move from one camp (Boko Haram) to another (IDP). This contributes to feelings of deep distrust, and emotional/mental health problems. Cases of fistula and other severe reproductive health injuries resulting from sexual violence, which have been reported in countries such as Rwanda, Sierra Leone, Uganda, and the Democratic Republic of Congo, are other examples of the physical impact of sexual violence. In Rwanda, Hutu leaders encouraged men with HIV/AIDS to lead the raping of Tutsi women, some of whom became pregnant. Many Rwandan women now live with HIV/AIDS and must raise children infected with the virus as a direct result of sexual violence.²² Some women survivors in Colombia suffer from problems of a sexual nature, including gynecological diseases, and find it impossible to trust men again. This affects their ability to establish stable relationships and rebuild their emotional and sexual lives.

Many women survivors of sexual violence are unable to address such health problems because they are poor. Although poverty may happen as a result of armed conflict, many women experience poverty during and after conflict as the continuation of poverty they have experienced for a lifetime, exacerbated by the stigma placed on top of their victimization. In Bosnia and Herzegovina, a description of gender-based economic violence leading up to the war there includes women who received partial, delayed, or no salary; unpaid pensions and insurance premiums; unpaid overtime; unpaid work assignments; forced work assignments that would take them through dangerous areas; and blackmail and extortion that prevented them from filing complaints.²³ In many places, such as Rwanda, patriarchal culture and customary laws meant that most women had little political or economic power prior to the genocide.

Women's preconflict poverty could contribute to their sexual exploitation during and even after conflict. The link between poverty and sexual violence during conflict is clearly seen in Timor-Leste. The bombing, occupation, and frequent



operations in villages by the Indonesian military severely disrupted agricultural cycles that led to hunger and starvation. In this context, an Indonesian soldier would give food to the parents of a girl or young woman so they would “consent” for him to sleep with her, even move into their house when he was not on duty. A similar tactic of exploiting economic vulnerability is seen in Nigerian IDP camps, where many basic necessities are scarce. Soldiers would hide away food and other items, and then trade them for sexual favors from women, some of whom have been “rescued” from Boko Haram.

The stigma many women survivors of sexual violence face makes it difficult for them to participate in their daily economic activities and provide for their families. The challenges increase when they have children born of the sexual violence. In Timor-Leste, women were held for months, or even years, at Indonesian military posts and bases where they were forced to do unpaid domestic work and were raped daily. Many of these women survivors and their offspring now live in poverty that is harder to bear when their families shun them and can contribute to further discrimination. A similar situation is reported in Rwanda where women who chose to keep the children they had as a result of genocidal rape lacked traditional family support because so many family members had been killed or displaced, or because the families considered the children a barrier to their mothers' healing and so became a source of tension.²⁴



women reflected on their rights to truth, justice, healing and live a life free from violence, using stones and flowers to indicate hardship or joy. These tools have created a space for reflection, allowing women survivors to better understand the continuum of violence they often experience before and after conflict. The participatory tools provide opportunities for women to speak about their experiences of violations of civil-political rights, as well as economic-social-cultural rights, using activities such as body-mapping, timelines, resource mapping, and other action research tools tweaked with a human rights approach. The manual also creates sessions to enable survivors to share their own mechanisms for survival and coping with trauma. The final session of the manual focus on advocacy skills, and encourage reflection on the process and sharing findings from the workshop with others.

Now the Stone and Flower method have been used with thousands of survivors across Asia. A second manual called “Mosaic: Rebuilding Lives and Communities after Torture”²⁷ focuses on work with survivors of torture.

Stone and Flower – Participatory Tools to Unlearn Impunity in Asia

Working with women’s groups in Indonesia, Timor-Leste, and Myanmar, AJAR developed a series of participatory action research tools to better understand how women experience impunity, and 140 women participated in the initial learning circles and shared their experiences. About 40 women, including survivors, were trained in skills to facilitate discussions on their experiences of violations, and reflections on their attempts to access justice, and to rebuild their lives. AJAR’s report entitled “Enduring Impunity: Women Surviving Atrocities without Justice”²⁵ (2015) describes the findings of this action research project, and was translated into Indonesian, Tetun, and Burmese.

A companion piece was a manual on action research tools, called “Stone and Flower: A Guide for Understanding and Action for Women Survivors.”²⁶ The title was taken from one of the activities where



City of Joy and the Global Survivors Fund: Meeting Urgent Needs and Empowering Survivors

An important example of empowering survivors is a program called **City of Joy**, a holistic leadership training program established by the Foundation Panzi, for women survivors of sexual violence in Bukavu, Democratic Republic of Congo (DRC). After many years of treating women victims of rape at the Panzi hospital, Dr. Denis Mukwege established a residential training center in June 2011, to help heal women from their past trauma through therapy and life skills. Organized as a self-organizing community and a school, women survivors enroll in a six-month training program, taking classes on issues ranging from agriculture, culinary, literacy, and computer skills, to leadership, theater, and mindfulness. More than 1,400 women have graduated from this program since it first opened its door. The City of Joy is an example of how a holistic empowerment approach can help transform survivors into change-makers in their own communities, despite the strong stigma and discrimination in the society.

Building on this experience, and in cooperation with Nobel Peace Prize co-awardee Nadia Murad, Dr. Mukwege established a **Global Survivors Fund (GSF)** in 2019 with the aim to provide universal access to reparations for survivors of conflict-related sexual violence around the globe. GSF will work with civil society groups to provide interim reparations in situations where governments and perpetrators are unwilling or unable to fulfill their obligations. At the same time, it will advocate for states to provide reparations for victims of sexual violence in conflict and develop best-practice models of survivor-centric reparation programs.

An older and similar initiative is the United Nations Voluntary **Fund for Victims of Torture** (UNVFT), established by the General Assembly in 1981. The UNVFT provides urgent support to torture survivors and their families through small grants to civil society organizations. CSOs provide medical, psychological, legal, social and legal assistance, including survivor-led initiatives. Survivors of sexual violence in conflict are included in their priority beneficiaries.²⁸

Red Mariposas de Alas Nuevas Construyendo Futuro, Colombia:

The comadreo strategy, described in the previous chapter, incorporates a holistic, psychospiritual approach to support, based on listening to the survivor's needs. This includes assisting them during the grieving process, providing crisis support and helping the survivor gain access to health or justice mechanisms (or whatever the survivor says she needs). Then there is also a protection strategy which is based on each specific case. This strategy involves providing financial resources during emergencies, such as a survivor having to leave their neighborhood or place of residence. It allows them to protect themselves at a home, shelter or hotel, as applicable.

Medica, Bosnia and Herzegovina:

This NGO was founded in 1993 that offers psychosocial and medical support to women and children victims of war and also of post-war violence. For almost 27 years, Medica has provided over 470,000 different services to its beneficiaries. 2,207 women and girls have been accommodated in its "Safe House," 7,443 persons have passed through the Psychological Center, 2,000 children have been accommodated in the "Children's House," 1,681 women have taken part in vocational training courses, 4,497 calls have been received at the SOS helpline, and more than 13,000 participants have attended the trainings on trauma, gender-based violence, women's rights, nonviolent communication, dialogue, reconciliation, interreligious peace dialogue, and coexistence. The Medica campaign called "For the Dignity of Survivors," introducing gender responsive budgeting and conducting research in that field, established the first institutionalized networks for support to victims, to witnesses during war crime trials and sexual violence cases in Zenica, Dobojo, and Central Bosnia Canton. The networks were established to enable an equal approach to and treatment of all victims, especially women, who survived war rapes and other forms of sexual violence.

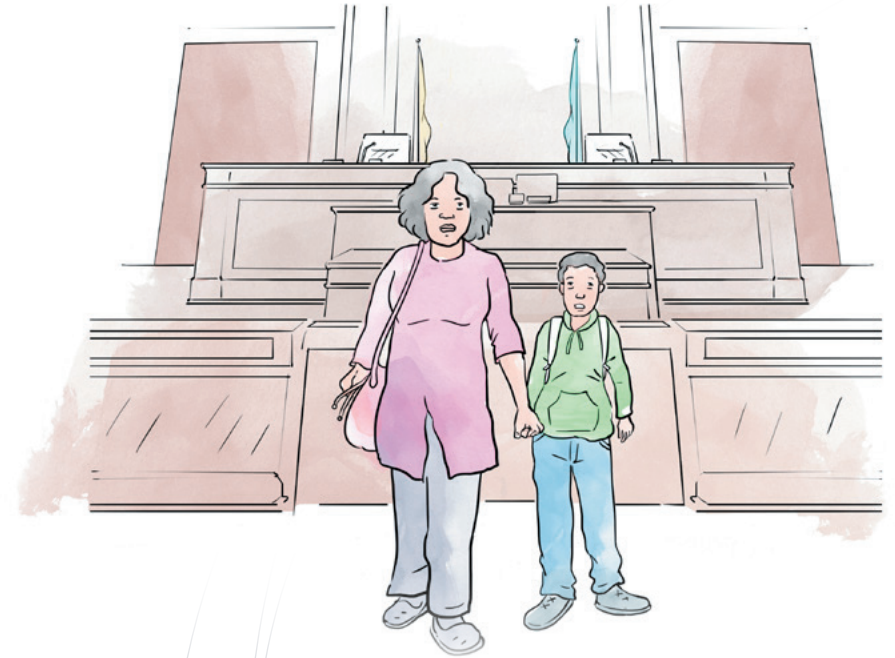
Nigeria:

THE GENDER EQUALITY, PEACE AND DEVELOPMENT CENTER, MAIDUGURI

An important example of interventions in Northeast Nigeria is from civil society organizations. Although these interventions may not be focused on any specific aspects of reintegrating survivors of sexual violence and their children as their situations may require, they meet important needs of victims generally, especially those within the IDP camps. According to Professor Patricia Donli, who is the executive director of the Gender Equality, Peace and Development Center in Maiduguri, the majority of immediate interventions for women survivors of sexual violence and children born of war in IDP camps are made by NGOs. This includes urgent material support including housing, education, foodstuffs, and clothes. As well as material support, NGOs are also involved in psychosocial and mental health care support for survivors of sexual and gender-based violence who are living in IDP camps. As she explained, “we are doing a lot. Sometimes with the help of the government, at other times with the huge support of donor agencies and individuals. The communities know the importance of the work we do, and they support what we do.”²⁹

2.2 Access to Justice Tools

Across the board, women survivors of conflict-related sexual violence suffer stigma because of the men who raped them; children born of war suffer stigma because of the men who fathered them. This association with the enemy is also a social reminder that the families and communities of women survivors were unable to protect them. Rather than come to terms with this shame, families and communities pass it on to the women and their children who remind them of their failure.



Domestic and Hybrid Courts

In conflict settings across the globe, impunity is still the norm experienced by most women victims of sexual violence. Survivors of sexual violence face barriers in reporting their case to law enforcement, as there are issues around safety, lack of trust, and the impossibility of reporting a perpetrator who may be a member of the security forces. In 2015, AJAR conducted a participatory action research project with 140 women survivors of violence in Myanmar, Timor-Leste and Myanmar. Out of 140 women, only 10 were able to bring their case to court:

- In **Myanmar**, three women out of 29 have attempted to seek justice: Two were unsuccessful, and the outcome of the other one was dissatisfying for the family. In all three cases, the process led to further harassment and problems for the victims or their families.
- In **Timor-Leste**, only one woman out of 51 was able to bring her case of sexual violence to trial that resulted in a conviction of rape as a crime against humanity. Another six were able to access justice for the murders of their husbands during the 1999 violence.

- In **Indonesia**, none of the 60 women were able to access justice for the violations that they experienced. In Aceh, women who speak out about sexual violence put themselves at risk to be accused of adultery if they are not able to prove their case, under Sharia law.

In all three countries, women victims and their communities believed that seeking justice or redress will only bring additional problems and suffering upon them, leading to resignation and acceptance. This is reinforced by the failure of law enforcement and judiciary to investigate or prosecute perpetrators. The longer impunity persists, women's confidence and capacity to articulate the injustice they experienced and to advocate to right a wrong wither away.

Women who do persist in their efforts to access justice are seldom rewarded. AJAR documented two cases of rape in Kachin State, Myanmar. In one case, a woman was raped, then her family's motorbike taken, by men who may have been police. When she reported her case to the authorities, she experienced intimidation and disbelief:

They showed me all the motorbikes but ours wasn't there. Then they told us that an officer was using our motorbike. It's still new. We hadn't even used it. I really feel angry and sad when I think about my motorbike. It was very difficult for us to buy it... In the past, our family was very happy, but we cannot farm on the mountain anymore. I will need to take care of my children as best I can. They are all in school. This year I had to buy rice as we didn't have enough for the family from our farm.'

Civil society and women's groups play a key role in efforts to bridge this gap. Working with Japanese women's solidarity groups in Japan, survivors of sexual slavery by the Japanese Army have filed a series of lawsuits in the Tokyo district court. Korean survivor, Kim Hak-Sun, broke the silence about military sexual slavery and filed her case in 1991. She made it clear that her intention was to bring out the truth. "Why do they (the Japanese government) lie that we don't exist even though I am right here? This should now be straightened out." The lawsuit forced the Japanese people to hear the story for the first time. More than 10 suits have been filed in the Tokyo courts since the 1990s, consistently dismissed on the basis that all legal obligations have been dealt with by the bilateral peace agreements signed between Japan and various countries.

Listening and Accompanying Women to Engage with the Courts

In Sri Lanka, a group of women lawyers have created an approach to support survivor's engagement with the courts. It includes understanding how the law is biased against women, and acknowledging the social and cultural hurdles women face before finally bringing a case to court as a last resort. Thus, lawyers are encouraged to listen to the whole story, ensuring that survivors are given the opportunity to make their own choices. Lawyers "must be patient with survivor's feelings of doubt, going back and forth, and their 'imperfect memories.' They must understand that justice is an evolving experience for victims. A survivor can change what she wants along the way." For survivors to enter a legal process, lawyers must be ready to explain the law and commit to accompanying the survivor through all the proceedings, working together with their support system to explain what to expect with the legal process, including how the legal process may negatively perceive contradictions in their testimonies. Finally, lawyers have learned how to present the full story of survivors' experiences, highlighting the impact of violence, but with the consent of the survivor on how their story is being presented. They also recognize the need to network with like-minded lawyers and policy makers to push for legal reforms that can help progress women survivor's access to justice.

Kenya:

LAWSUIT TO PURSUE STATE ACCOUNTABILITY FOR POST-ELECTION VIOLENCE

Following post-election violence of 2007–2008 that included sexual violence and resulted in more than a thousand deaths and hundreds of thousands of internally displaced persons (IDPs), several transitional justice efforts promised some measure of accountability for the violence. These efforts included a Truth and Reconciliation Commission (2008–2013); ICC proceedings (2010–2015); official apology by President Kenyatta and the promise of a Restorative Justice Fund (2015) to provide reparations.

However, the results of the TRC and its many recommendations stalled in Parliament, charges by the ICC for six perpetrators were all withdrawn or unconfirmed amid accusations of intimidation of witnesses, the promise for reparations was never realized, and national courts have mostly failed to address post-election crimes. Realizing the ongoing trauma and economic hardship faced by women survivors of the post-election violence, a group of CSOs came together to find a way to support them. Rather than seeking individual accountability for the sexual crimes, the group instead brought the state of Kenya itself to court for its failure to fulfill its obligations to uphold human rights.

In 2013, six women and two men sued the Kenyan government for neglect. In 2020, Kenya's High Court found the state guilty. According to a press release by Physicians for Human Rights, the finding of the court was that the government was responsible for a "failure to conduct independent and effective investigations and prosecutions of SGBV [sexual- and gender-based violence]-related crimes during the post-election violence."³³ Four of the eight people each received compensation of about \$35,000.

This important decision provides a promising example for other survivors who may now be encouraged to continue their pursuit

of justice for these past crimes through a judicial process. It also sends a message to police about the need for reforms to ensure proper investigation of sexual crimes. Nevertheless, even this decision by the High Court is a mixed bag. As noted during GIJTR's Reintegration and Transitional Justice Exchange on March 10, 2021, the reason the other four people who brought their claims to the court were not awarded with compensation is that they did not report to the police at the time of the crime. The judge's decision, then, reflects a lack of understanding of the nature of gender-based violence that contributes to the difficulty of survivors to report it.³⁴

Because protracted conflict weakens the capacity of the judiciary to deliver justice, some countries have created hybrid courts, i.e., domestic courts that have adopted international laws and allowed international judges, prosecutors, and investigators to be involved. Since the 2000s, there have been three hybrid courts: Sierra Leone, Cambodia, and Timor-Leste.

Extraordinary Chambers in the Courts of Cambodia/ECCC (2006–present): SOME PROGRESS ON PROSECUTING SEXUAL CRIMES DURING THE KHMER ROUGE REGIME

The ECCC is a hybrid court, established by the Cambodian government and the United Nations in 2003, to prosecute genocide committed by the Khmer Rouge. The court uses international standards and has international support and participation – two of the five judges are appointed by the United Nations. Since the ECCC began trials, in 2007, only a few cases have been completed. In some cases, the court has issued charges but there have not yet been trials.³⁵

The Khmer Rouge's policy of forced marriage to boost its workforce resulted in marital rape. Rape outside of forced marriage was also widespread, but in both cases women were afraid to report it. One

of the Khmer Rouge's principles prohibited premarital sex and sexual harassment, which were punishable by death. Women were abused by senior officials and by their husbands from forced marriage but were therefore afraid to speak out about these abuses. However, the ECCC reported that the court did not find enough evidence to bring a case of gender-based violence to trial. It took a long time for the ECCC to hear about forced marriage, and even that required a strong push by survivors and civil society. In 2016, eight women were finally called to testify about their experiences of forced marriage before the ECCC. The hearing on forced marriage encouraged many women to speak out – some in the courtroom, others at hearings organized by the Cambodian Defenders' Project from 2010 to 2012. These women were assisted by the ECCC's Victim Support Section and local CSOs.

In the end, the ECCC ruled that forced marriage and rape within it were crimes against humanity, and 779 survivors of forced marriage were recognized as civil parties. It is important to note the essential role that CSOs played in the case regarding forced marriage (Case 002/02) through facilitation of women's hearings and documentation of women's testimonies. At the same time, the ECCC's failure to consider cases of rape, including gang rape, that occurred outside forced marriage is an injustice to the survivors of these crimes who have been left unacknowledged and vulnerable to further discrimination and violence.

Timor-Leste's Hybrid Serious Crimes Court and Unfulfilled Promise of a Trust Fund

In response to the violence that took place during the referendum in 1999, as administrator of the territory, the UN created a **"special panel" within the newly established domestic court in Timor-Leste with jurisdiction on genocide, war crimes, and crimes against humanity** committed at any time, as well as murder,

sexual offenses, and torture committed between January 1, 1999, and October 25, 1999.³⁶ The hybrid court faced many challenges, including lack of political will, lack of access to those most responsible, and a skewed focus on killings that took place in 1999.

Despite the widespread occurrence of sexual violence, only six indictments (out of 95) were for gender-based crimes, which included sexual crimes.³⁷ Sexual slavery was never charged, nor was joint criminal or command responsibility for rape included in the national indictment against seven Indonesian military and police commanders and the former governor of East Timor. In retrospect, the lack of a clear, consistent, and well-resourced strategy to investigate sexual crimes resulted in this piecemeal approach.³⁸

The UN regulation establishing this hybrid court also provided for "appropriate measures to protect the safety, physical and psychological well-being, dignity, and privacy of victims and witnesses" and a trust fund "for the benefit of victims of crimes within the jurisdiction of the panels, and of the families of such victims."³⁹ However, the trust fund was never established. One international staff member was recruited to lead the witness protection office within the Serious Crimes Unit, but with meager resources and limited access to vehicles, victims who participated in the serious crimes process did so at their own risk.⁴⁰ Witnesses typically took public transport or were transported in SCU vehicles, sometimes traveling together with witnesses to the defense, or, worse, the accused.

Some of these limitations could have been alleviated had civil society groups been invited to provide support for the victims and external funding been sought, a model later developed by CAVR. Even during Indonesian military occupation, victims and witnesses



of human rights violations found sanctuary and support from various church-based organizations and NGOs, but little attempt was made by UN personnel to develop innovations outside the UN. It should be noted that some international investigators and prosecutors used their own personal resources to support victims, but these laudable initiatives were never institutionalized.

International Courts

The 1990s brought about a major shift in the pursuit of international justice, with the establishment of the two *ad hoc* courts, the International Criminal Tribunal for the former Yugoslavia (ICTY, 1993) and the International Criminal Tribunal for Rwanda (ICTR, 1994), followed by the establishment of the permanent International Criminal Court (ICC, 1998.) These international courts have made significant contributions as the first courts to include sexual violence in international criminal law. The ICTY found rape to be a crime against humanity. The ICTR also issued a conviction for rape as a crime against humanity as well as finding that rape was an act of genocide.

Bosnia and Herzegovina

THE “MIXED BAG” OF AN INTERNATIONAL TRIBUNAL: INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (1993–2017)

This court, held at The Hague in the Netherlands, demonstrated gender sensitivity in several ways. Even before the trials began, the UN Security Council was horrified by the reports of sexual violence, particularly in Bosnia and Herzegovina. A report by the Secretary-General that led to the writing of the ICTY statute recommended that qualified women should be appointed to the Office of Prosecutor since the court would be dealing with cases of sexual violence.⁴¹ Besides its ruling about rape as a crime against humanity, the ICTY’s court procedures included special protections for survivors of conflict-related sexual

violence who served as witnesses. This was different from the practice that still exists in many national justice systems where questions about a survivor’s sexual behavior and demands that a survivor’s story be supported by a third party suggest that it is the survivor of sexual violence who is on trial and not the person accused of the violence. ICTY protections for survivors of sexual violence included:

- Evidence of previous and subsequent sexual activity was not allowed.
- Evidence of consent was essentially not allowed (in other words, in a situation of armed conflict it is impossible for a survivor to consent to sex).
- No third-party witness or other support to verify a survivor’s testimony was needed.

The ICTY’s Victim and Witness Section (VWS), the first unit of its kind in international justice, also helped minimize risks for witnesses, including survivors of sexual violence. According to the official website of the UN ICTY, the professional staff of the VWS took protective and psychological measures to ensure that all witnesses could testify safely without causing them further harm or trauma. These measures included:

- The name and other information about the witness’s identity were kept off the ICTY’s public record.
- The witness was given a pseudonym.
- When proceedings were on TV, the witness’s face and voice were changed so that they could not be recognized.
- The witness had the option to give testimony in a closed session.
- The witness had the option to give testimony remotely via a video.

The VWS further showed gender sensitivity by listening to criticisms

of the process such as witnesses who said they felt disrespected or harassed, felt they did not get enough information about the cases in which they were to give evidence, or felt they could not afford the clothing appropriate to testify in The Hague. The VWS sought to respond by developing principles and policies along the way.

Despite these efforts, and the fact that more than a third of those convicted by the ICTY were guilty of committing sexual violence, the court reduced some charges related to sexual violence during the indictments, when it was pressured to hurry its prosecutions. Witnesses expressed anger and disappointment with lenient verdicts, feeling the efforts they had made to testify and reopen painful memories had not been worth it. Yet not all survivors' responses were the same, so it was another mixed bag. In an effort by some victims to sue for compensation before foreign courts, a district court in the United States ordered millions of U.S. dollars in compensation to a group of 12 women survivors of rape and torture in a concentration camp in Bosnia and Herzegovina. Amnesty International reported that although the compensation had not been paid, one survivor felt the verdict was positive because the court decision acknowledged what she and the other women had experienced.

In some cases, perpetrators have been released early after serving only part of a sentence and have returned to their communities which, among other things, has not helped the reconciliation process. Another problem is that the provision of compensation was largely determined outside of the court's mandate, falling instead to domestic courts.

The ICTY statute stated that the international court and national courts in Bosnia and Herzegovina could work at the same time on cases related to international crimes. In other words, courts in Bosnia and Herzegovina did not need to wait until the ICTY was finished before they could begin to prosecute for international crimes. Also, the courts in Bosnia and Herzegovina would have even more cases to address once the ICTY was ended.

Handing Over to Domestic Courts, Improving Knowledge and Sensitivity

As part of its completion strategy, the ICTY sought to prepare the Bosnia and Herzegovina justice system for trials of war crimes the ICTY would transfer to it. Nevertheless, the Bosnia and Herzegovina justice system was unprepared for the volume and type of trials it would need to conduct. The Special War Crimes Chamber (WCC) was established for this purpose in 2008 without adequate resources and with more than 15,000 cases waiting to be prosecuted. Other mechanisms to provide support and protection to witnesses included the WCC's Witness Support Section, a law to protect witnesses, the State Investigation and Protection Agency (SIPA) and SIPA's Witness Protection Unit.

Despite these measures, a lack of adequate witness protection in cases involving sexual violence initially remained a significant problem. There were reports of harassment and intimidation; some names of witnesses were disclosed; some perpetrators bribed witnesses to take back their testimony; there was poor communication between protection units and witnesses to sexual violence crimes; most police officers were men, and some of them were perpetrators, meaning witnesses could not talk freely to them; court processes were not always transparent; and there were problems with transportation to court proceedings – either due to poor connections or because some women witnesses had to be on the same bus with a perpetrator's family members on their way to the same trial. When SIPA visited women in small villages, they were easily identified by their marked cars. The women they contacted were then left to explain to their neighbors why they had been visited by SIPA. The situation for women witnesses to sexual violence was arbitrary. On one hand, a woman survivor might wish to confront the perpetrator directly in court but a closed session was ordered against her will, and on the other hand, some women felt pressured to testify or felt that their decision not to testify was not respected.

With Bosnia and Herzegovina's adoption of the National War Crimes Strategy in 2008, that allowed for the transfer of cases of war crimes from federal courts to lower-level courts, and with great support from the international community, some significant improvements have been noted:

- The Organization for Security and Co-operation in Europe (OSCE) began to monitor cases of sexual violence and conducted special trainings.
- Several focused initiatives have improved coordination and redress.

- The ICTY has made a special effort to transfer knowledge and skills related to the investigation and prosecution of sexual violence.
- Investigators, prosecutors, and judges improved their approach to survivors of sexual violence.
- Witness protection measures were expanded and there was some work to reduce stigma.
- Of special note is the introduction of witness support officers in institutions across the country dealing with war crimes cases.
- The definition of sexual violence in the Bosnia and Herzegovina criminal code required that the aspect of force had to be proved in court, which made it difficult for women survivors of sexual violence to testify. After international pressure, the code was changed in 2015, bringing it more in line with international standards.

As a result, more cases that involve sexual violence are passing through the courts. From 2011 to 2013, about one of four war crimes cases contained an element of sexual violence. This increased to about one in three cases from 2014 to 2016. There are still gaps in support services, and problems with indictments, redress, and compensation, but over the years, a dedication to justice for survivors of sexual violence has contributed to improvements in the many aspects of the justice system in Bosnia and Herzegovina.

International Criminal Tribunal for Rwanda/ICTR (1994–2015): FAILURES BEHIND THE FAME

As in other situations, efforts by local and international CSOs were needed to ensure that the issue of sexual violence was included in the charges and indictments of the court. A gendered critique of the ICTR includes a number of failures of justice for women survivors of conflict-related sexual violence in Rwanda:

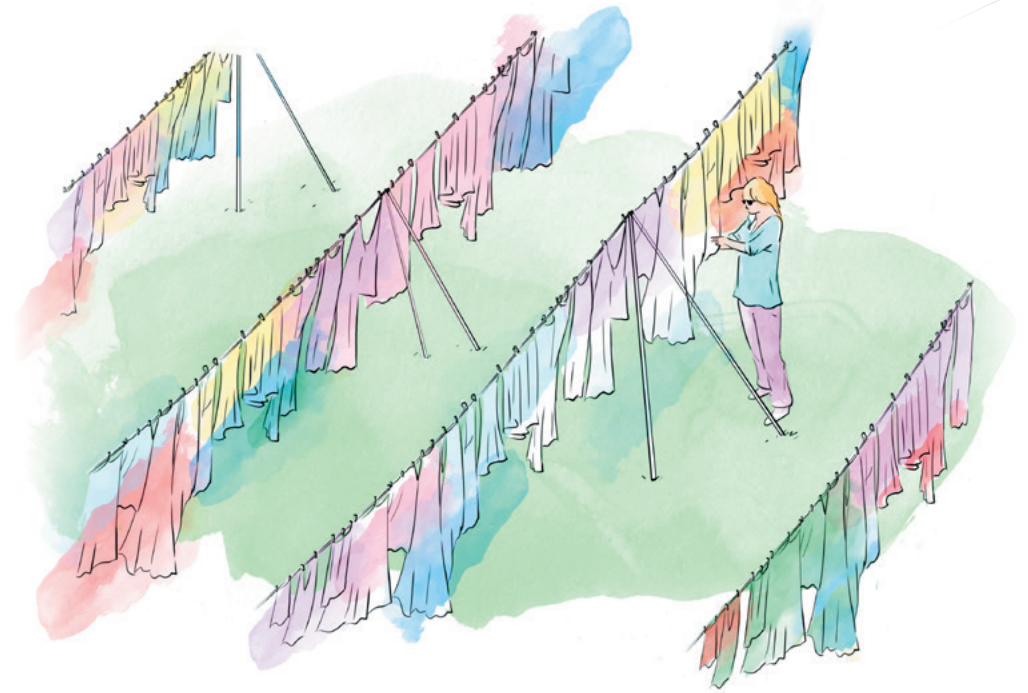
- With its singular focus on retributive and restorative justice approaches to criminal accountability, the Rwanda government failed to address the needs of survivors of sexual violence with

other transitional justice mechanisms such as a truth commission and vetting of public officials, including security personnel.

- The government did not consider CSOs as partners to help survivors of genocide.
- Advocates have argued that prosecution of sexual violence was an afterthought and that a lack of political will resulted in inadequate investigations, poor training of the tribunal staff and a low rate of prosecutions for sexual crimes with 90% of ICTR judgments did not include convictions for rape.⁴²
- Despite a huge budget and staff, the ICTR handled only a few trials. Some reasons given for this include no clear strategy for prosecution, and poor case management and administration.
- Time and resources were wasted on trials for low-ranking instead of high-ranking political leaders.
- Because of poor outreach, women survivors of sexual violence and others knew very little about the work of ICTR.
- The ICTR Statute did not provide reparations for survivors of sexual violence.
- Some women survivors who gave witness felt humiliated during cross-examination so that other women became more reluctant to give testimony in court.

In 1996, just a few years after the genocide, Rwanda passed a law for prosecuting crimes related to genocide. Similar to the situation faced by national courts in Bosnia and Herzegovina, Rwanda's justice system also was overwhelmed by the volume of cases before it.

Thousands of cases were tried, but as with the ICTR, the rate of prosecutions of sexual crimes was low. One source shows that of more than 1,000 cases, only 32 included charges of rape.⁴³ Factors that contributed to this low rate include reluctance of survivors to come forward due to the risk of stigma and harassment, a lack of women in the justice system, and a penal code that did not include a definition of rape as a crime. Seeing that women survivors of sexual violence who were HIV/AIDS positive were dying while waiting on their cases to come to court, the government, poorly equipped to handle these cases, decided to transfer them to the *gacaca* courts. This, however, left many women survivors of sexual violence feeling that their hopes for the prosecution of the rapists had been betrayed.



2.3 Lessons Learned

- As with documentation and truth-seeking tools, justice and accountability approaches point to the need for safe spaces and procedures for women survivors. Often reports emerge of women survivors who are reluctant to participate in accountability processes because they have no assurance that their names or identities will be protected. Harassment and stigma are barriers which prevent women accessing justice, and efforts must be made to remove them. At the same time, women who are ready and even eager to face perpetrators in a court or public forum, should not be prevented from doing so.

Recommendation: Those responsible for processes of justice and accountability should prioritize “safe spaces” and procedures that include:

- Clear preparation and accompaniment of women witnesses throughout formal or nonformal judicial processes
- Options for either anonymous or public testimony

- Clearly stated witness protection measures (if these cannot be guaranteed, a woman survivor has a right to know the risks she may face to help her make an informed decision about providing testimony)
- Adequate training of staff to eliminate possibilities of harassment, and to ensure women are treated with respect and dignity

Without such measures, women survivors may participate in these processes and help to advance laws and legal procedures, but this will likely be at the expense of their own healing.

- For CSOs, the participation of women survivors in justice and accountability processes should be studied in relation to potential risks associated with reintegration. Witness protection measures tend to be oriented more toward the possibility of immediate retaliation that would cause physical harm, rather

than the emotional and psychological risks related to long-term bullying and stigmatization by families and community members.

Recommendation: CSOs can develop existing witness and survivor protection protocols relevant to issues of reintegration.

- Some countries have a stronger foundation than others to develop reintegration strategies for women survivors. In some cases, national courts have the right and obligation to conduct trials related to international crimes, like crimes against humanity, genocide, and war crimes. Examples can be found in Uganda, Bosnia and Herzegovina, Rwanda, and Guatemala, where a national court found two former military officers guilty of crimes committed against 11 indigenous women. Besides national courts that make decisions about international crimes, national laws, policies and political structures have potential to contribute to reintegration. Other laws may create obstacles by ignoring violence and stigmatization of women survivors. The absence of a clear definition of rape and sexual violence in Rwanda's penal system led to the freedom of different courts to come up with their own definitions of sexual violence. This resulted in inconsistencies in court decisions.

Recommendation: CSOs should study and influence the legal environment that shapes public opinion and behavior. Lobbying efforts before, during and after conflict should cover:

- *Laws that protect the rights of women and children, with particular attention to existing principles of reintegration (e.g., as found in Timor-Leste's law on domestic violence).*
- *If a clear definition for rape and other forms of sexual violence is missing from a country's penal code, CSOs are urged to join together to lobby for an amended code.*
- *Monitor transitional justice procedures and trials as well as nonformal accountability approaches. Be prepared to exert pressure to ensure that: (i) cases of sexual violence are processed in a timely fashion; (ii) prosecutors have a clear understanding of sexual crimes; (iii) there is a*

gender balance in justice institutions; (iv) the media provides adequate and sensitive coverage of the issues; (v) prosecutors anticipate the possibilities for retaliation, including stigmatization, so that charges and indictments include this aspect of justice for survivors.

- It can be difficult to keep up to date on developments related to sexual violence and children born of war. This is where local networks help, such as small groups responsible for monitoring and sharing specific news on sexual violence and children born of war with wider networks. This information can be used to develop local and national educational campaigns that support reintegration.

Recommendation: *Identify and develop relationships with supportive legislators and policymakers to help build a stronger basis of support for reintegration efforts.*

- Lessons from the field indicate that children born of war have not been directly included in most transitional justice processes. This is reflected in the fact that the issue of children born of war is absent from the previous section on best practices related to justice. This is because there have been no significant judicial or political measures that adequately address their often precarious situations. Many challenges they face require immediate political responses such as fulfillment of civil, political, social, and economic rights, like birth certificates and citizenship, rights to health and education, and freedom from violence, including bullying and stigmatization.

Recommendation: *CSOs and field practitioners can use existing tools on basic human rights and children's rights, and work with legal experts to build arguments that can be used to end stigmatization and other forms of discrimination, through formal justice mechanisms during and after periods of transitional justice.*

3. TEA: CIRCLES OF CARE & THE PROMISE OF NEVER AGAIN

"It was really hard to recover from the discrimination from my family. My children, from different fathers, I raised as one family. It makes me sad when they still face discrimination, in their workplace, when the story of our family emerges. But the support from others have allowed me to speak out. I know there are many of us. But they have not been taken care of. They have lost so much hope, strength, how can they raise their children? There is no one looking after them so that their lives can be better as full citizens.

*My recommendation to the government is to create a condition for victims – it is not only women who experienced sexual violence. Please look after our children so they can be citizens with full rights."*⁴⁵

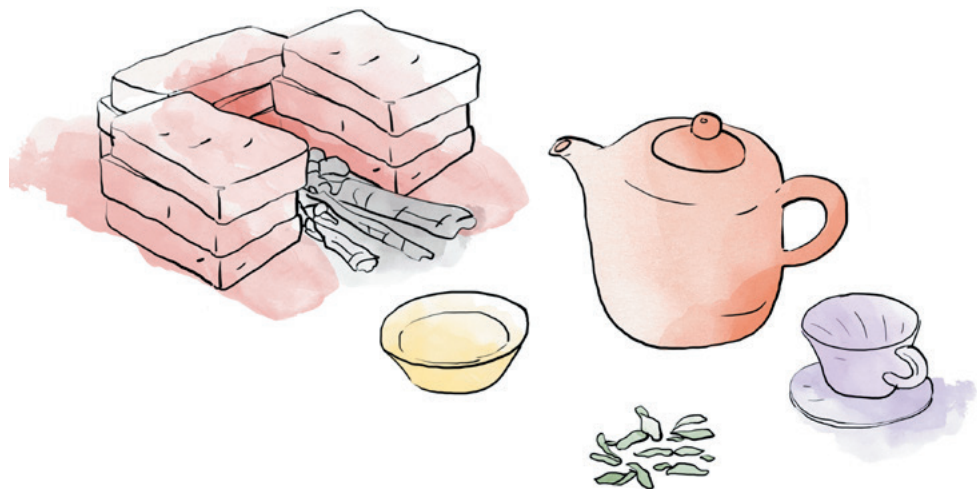
Tea signifies the creation of circles of care –within the family, community and society – that support survivors of sexual violence and their children, opening the door to social cohesion and reconciliation. This includes ensuring opportunities for survivors to heal from trauma, as well as initiatives to address root causes of the conflict, including patterns of gender-based and sexual violence that may be repeated or recreated in post-conflict settings. In this chapter, we will focus on lessons to fulfill victims' right to **reparations** and the **promise of never again** repeating the violence of the past.



3.1 Reparations Tools

Survivors of international crimes have a right to remedy or repair for any physical, mental, emotional, and economic harms they experienced during conflict and periods of violence. The UN General Assembly's (UNGA) resolution on basic principles and guidelines related to reparation (UNGA Resolution 60/147) defines this right, including the obligations of states to fulfill it. It further lays out the various forms of reparations that includes restitution, compensation, rehabilitation; aspects of satisfaction for survivors, such as public apologies; searches for the disappeared; penalties for those who committed the violations; and what is meant by guarantees of nonrepetition. According to the resolution, "States should endeavor to establish national programs for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations."⁴⁶ This understanding clearly ties reparations to a formal judicial process where a judge makes a decision about the crimes committed and the type and amount of reparation for those harmed. Reparations are to be given in proportion to the nature of those crimes – more extensive or larger reparations are given for more serious crimes.

This is where using the tools of reparations on behalf of survivors of conflict-related sexual violence and children born of war can get complicated. In principle, it is important that reparations are based on rights rather than on needs in order to uphold international law that identifies sexual violence as a crime against humanity or an element of genocide. Yet a number of problems arise if



reparations must depend on decisions of a court that processes cases very slowly and may not address cases of sexual violence adequately. There is also evidence of discrimination in reparation schemes. In Nepal for instance, the government has not acknowledged the sexual violations committed during the conflict. This means that women and children born of war are not recognized as conflict victims and so are excluded by the Interim Compensation Policy. They also do not qualify for assistance and safe space as survivors who have experienced physical or psychological trauma.

Cultural and structural forms of discrimination against women, and taboos around sex and sexual violence, make it difficult for women to testify in court. This, in turn, becomes a barrier for them to access court-ordered reparations. Even when survivors of sexual violence who have suffered great psychological, economic and often physical damage do testify, the compensation they receive as civilian survivors of a conflict is much less than what the state awards to veterans. And although a court may order reparations such as compensation and rehabilitation that includes support for trauma healing, it is difficult, if not impossible, to legislate social-cultural acceptance of survivors by their families and communities. Another problem is that courts responsible for the prosecution of perpetrators of sexual violence have not yet included issues related to the rights of children born of war in their decisions, yet children born of war also have a right to reparation that begins with a state's recognition of their existence.

Given these constraints, many CSOs around the world do not wait on courts but develop ways to address the emotional, physical, and economic damage caused to women survivors of sexual violence and children born of war. Some of these innovations also address aspects of social stigma that can support reintegration. Both court-ordered reparations and nonformal methods are needed. Advocacy for court-ordered reparations need not cancel other efforts to repair the wounds of women survivors and children born of war. Likewise, efforts by CSOs to heal trauma, restore self-confidence, and honor the intent of rights to reparation when the state is unable or unwilling to do so need not sideline the importance of demanding accountability from perpetrators and the state.

It should be emphasized that efforts to realize reparations for gender-based and sexual crimes committed during armed conflict need to become a platform for addressing these crimes that occur before and after a conflict. Without ongoing efforts to address the persistence of gender-based violence and discrimination after conflict, the value of formal reparations and nonformal healing and empowerment for women survivors of sexual violence and children born of war will be limited.

Bosnia and Herzegovina

MAKING THE LAW WORK FOR WOMEN SURVIVORS OF SEXUAL VIOLENCE

Bosnia and Herzegovina consist of two semiautonomous entities – the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). In Bosnia and Herzegovina, no single law regulates war reparations, and a program to improve the status of survivors of sexual violence has been stalled since 2011. In the entity of RS, the 1999 Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children does not recognize survivors of rape as a separate category of victim.⁴⁷ Rape survivors are required to submit medical documentation proving they suffered at least “60% injury,” the regular threshold for all civilian injuries. Their ability to qualify for a monthly stipend depends on the degree of their bodily damage as assessed by a medical health commission. Applicants in RS had to register their claims in the municipalities

where they lived, and this caused retraumatization of survivors of sexual violence if those were also the places where the violations occurred. The deadline for submitting applications in RS expired in 2007 despite numerous obstacles for women survivors of sexual violence such as societal upheaval, stigma, physical dislocation, psychological barriers of telling one's story of sexual violence, lack of knowledge about the possibility of benefits, and security fears. As a result, many survivors have only recently applied for assistance.

In FBiH, survivors of sexual violence might have faced a similar problem, but in 2006 this law was amended to create a special category for victims of sexual violence so that they would be formally recognized as civilian victims of war. Based on this amended law, women survivors of sexual violence who apply and are found to be victims of war receive a monthly stipend.⁴⁸ As in RS, a woman survivor of sexual violence who wants to apply for assistance as a civilian victim of war must have confirmation of her situation. In FBiH this means a certificate from *Žene-Žrtva Rata* (Woman-Victims of War), the only institution designated to provide women survivors with such certificates.⁴⁹ By the end of 2016, 1,000 women had obtained legal status as victims of war.⁵⁰

Several factors may have made this law work better for women survivors of sexual violence in the FBiH entity than in RS, but two points stand out. In FBiH, a special category was created in the law for women survivors of sexual violence. That explicit acknowledgement makes it easier for them to qualify as civilian victims of war who are eligible for stipends. A second obvious difference is that in FBiH the assessment of a woman's status, in this case as a victim of rape, is conducted by a special women's organization dedicated to women victims whereas in RS the examination is done by the same medical health commission that uses the same standards for injury in its examinations of all who seek status as a victim.

Iraq

YAZIDI WOMEN SURVIVORS' LAW: CSOS WORKING FOR JUST REPARATIONS

In 2014, the Islamic State (IS) began to massacre members of the Yazidi minority seeking religious, political, and military control in Northern Iraq. IS kidnapped Yazidi women and girls, and those from other ethnic minorities, and sold them into sexual slavery. The majority of these women are now displaced internally and externally, yet survivors are being rescued every day. On March 1, 2021, the Iraqi Parliament passed a bill to provide compensation, rehabilitation and education for Yazidi women kidnapped by the IS.

Iraq already has a reparations law – Law No. 20: Compensation for Victims of Military Operations, Military Mistakes, and Terrorist Actions. However, this law does not cover gender-based violence or the forced recruitment of children. It is not enough to address survivors' needs following the genocide by the IS and the sexual violence it committed, especially toward Yazidi women and girls.

A new reparations law focusing on Yazidi women survivors was announced by the president in 2019. At first, the draft bill was criticized for not including survivors' demands, but a coalition of CSOs for just reparations in Iraq worked to bridge the gap between survivors' needs and what was included in the legislation. The new law is now more progressive and, in many regards, a real victory for those who worked hard on it for many years. Yazidi children who were forcibly recruited by the IS will be eligible for reparations. Yazidi women survivors will receive a monthly pension; a piece of land or free housing; and medical services, including mental health and psychosocial support. There are provisions for the search and rescue of those still missing, and also for the identification of mass graves to support reburials in accordance with religious customs. August 3, the day the genocide began in 2014, is also recognized as a national day of remembrance.

Yet there are still some gaps in the new law. The first draft mentioned only Yazidi survivors, so the coalition advocated for the rights of

survivors from other communities who aren't as outspoken as the Yazidi, such as Christians. While benefits now cover the four ethno-religious minorities, there remain other groups that are not listed. Also, although efforts to ensure nonrecurrence are mentioned, no methods are outlined, so it is difficult to imagine how this will be achieved.

Laws are often detached from the reality of survivors in Iraq, where hundreds of thousands are still living in IDP camps.⁵¹ It is therefore unclear how the law is to be implemented so that survivors can enjoy its benefits. For example, survivors may have psychosocial support in the camps, but what about their economic options? What about their security? Many survivors do not want to return to their homes because of security issues. Reconstruction and defusing landmines is happening very slowly. Basic services like hospitals are greatly needed, and the promise of never again will be difficult to fulfill without reconstruction, development, and security sector reform.

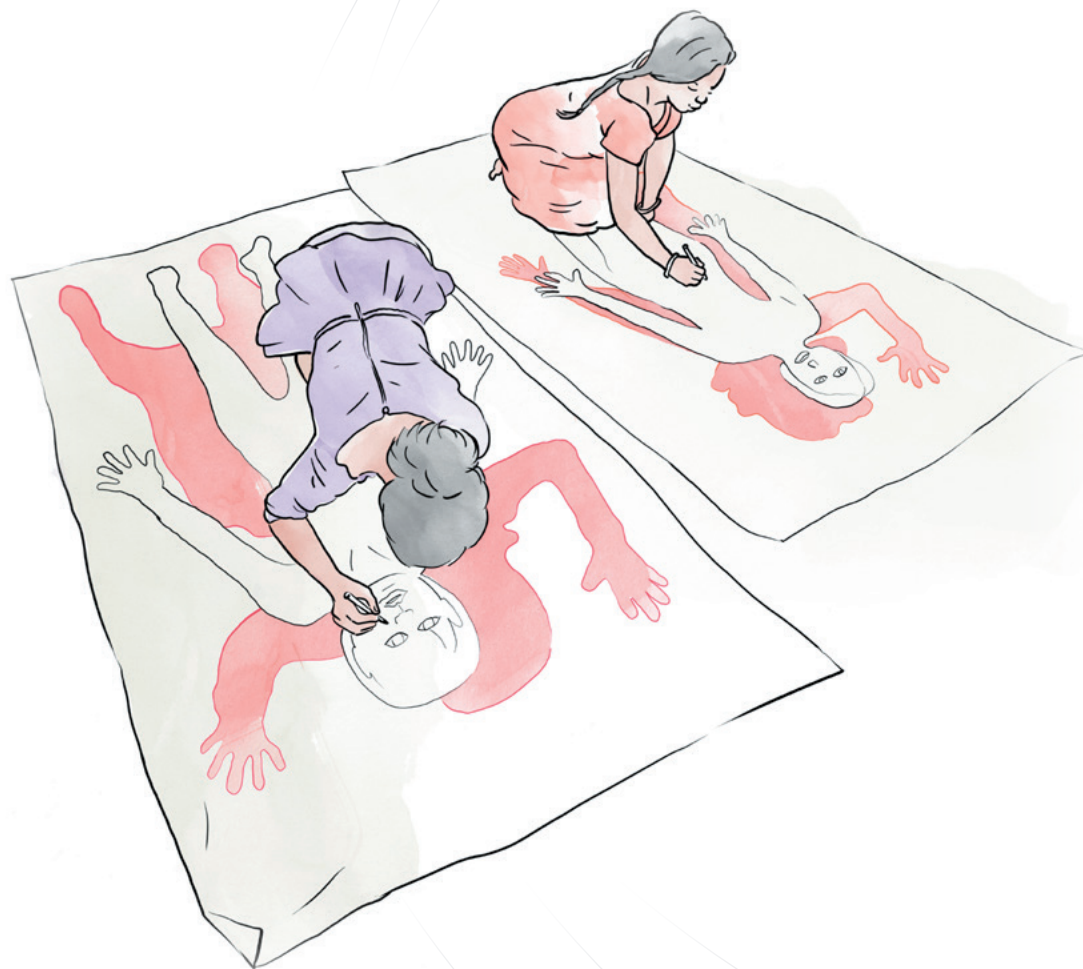
Clear provisions for children born of war are also absent in the law. Yazidi culture dictates that the Yazidi must have Yazidi children. For children to be accepted, they must come from within the ethnic group. In Iraq, children are registered under their father's, not their mother's, name and religion. ID cards that indicate religious identity also contribute to stigma. At the same time, children have a right to reparation that is separate from their mother's right to reparation. This law could have allowed children born of war to register under their mother's name without interfering with the internal affairs of Yazidi leaders.

However, the lack of political will to make this possible reflects historical discrimination against Yazidi and inequalities they have suffered that allowed it in the first place. There is a need to amend personal status laws to bring them in line with international standards. This will help pave the way for implementation of children born of war's rights to reparation.

Although it is unrealistic to expect the law to solve everything, this new reparations law, despite its weaknesses, does acknowledge the genocide and has potential to have a major impact on rebuilding the lives of survivors who have been left with nothing.

Artistic Expression as Reparation

Artistic expressions of women's experiences of conflict are significant for several reasons. Women survivors and children born of war who help plan and participate in artistic performances expand their image beyond that of victims. They may now be recognized as respected writers, actors, musicians, dancers, and producers, which can boost self-confidence and a sense of self-worth. When a group of survivors is involved, artistic performances can serve to strengthen bonds of friendship and solidarity useful to political advocacy. Artistic performances are also a way to reestablish the right to freedom of assembly and a vibrant public space following a repressive period of history that takes over public spaces and silences expressions of creativity.



Performative Arts: Survivors Onstage

Women survivors and CSOs have challenged the academic and legal bias of many transitional justice approaches by sharing women's experiences of conflict through different artistic expressions.

In **Cambodia**, the dance performance *Pka Sla Krom Angkar*, which means "the betel nut flower," under the Khmer Rouge, was recognized as a first form of reparation for forced marriage by the ECCC.⁵² According to Rosemary Grey, the dance weaves together oral histories of women who lived through the Khmer Rouge period as well as accounts of survivors who gave testimony at the ECCC and participated in consultations with the dance's creators.⁵³ The dance was conceived and choreographed by Sophiline Cheam Sapiro, a Khmer Rouge survivor who was inspired by her own story and the stories of other women survivors. It then became a joint project of Cheam Sapiro's and three Cambodian CSOs. The dance premiered in January 2017 to an audience that included survivors and other civilians who had been involved in the creative process. After its premiere in Phnom Penh, the dance was performed many times in various locations throughout Cambodia. The dance proposal was submitted as a reparation project in 2014 and, by June 2015, it was accepted by the Trial Chamber of the ECCC along with 12 other projects. This dance intends to foster people's understanding of gender-based violence under the Khmer Rouge and promotes intergenerational dialogue about the past.⁵⁴

In 2018 in **Timor-Leste**, ACbit, a women's CSO that supports survivors of the past conflict, conducted a nationwide campaign that promoted women survivors as heroes, in part to balance a national perspective that recognizes only veterans of the armed conflict as heroes. Together with Asia Justice and Rights (AJAR), ACbit created *Fireflies: Light in the Darkness*, a comic book that tells the stories of seven women survivors.⁵⁵ This comic book became the basis for a theatre production of the same title that was performed at a former

torture center. The women's stories also inspired young Timorese musicians to compose songs that honors their bravery and resilience.

The Healing Power of Ceremonies and Rituals

Explorations of traditional justice mechanisms as described in the section on "Justice Tools" above tend to be based on male-dominant traditions of patriarchal cultures. However, many indigenous traditions include examples of women's knowledge, practices and rituals that have potential to heal the trauma and isolation that result from gender-based violence and crimes. The healing power of rituals and ceremonies can be experienced by individuals as well as members of their families and communities who participate in and observe them.

Cambodia

REMARRIAGE CEREMONIES THAT INCLUDE THE ANCESTORS

In Cambodia, traditional weddings last several days and include rituals to honor parents and ancestors. It is important that the ancestors know about the marriage so they can acknowledge and bless it. This helps to ensure that the marriage will be peaceful and that the couple will be happy and prosperous. The forced marriages during the Khmer Rouge regime did not allow for the traditional customs. After the Khmer Rouge collapsed, some of the forced marriages ended in divorce, but other couples longed for the blessings of their families, communities, and ancestors that would give their marriages cultural legitimacy. To recognize the importance of the traditional marriage ceremony, the CSO, Youth for Peace (YFP), has organized several remarriage ceremonies since 2015 for couples who had been forced to marry decades earlier.⁵⁷

Colombia

PSYCHOSPIRITUAL SUPPORT AND WOMEN'S ANCIENT WISDOM

The *Red Mariposas de Alas Nuevas Construyendo Futuro* (Butterflies with New Wings, Building the Future Network) works especially in the port city of Buenaventura, where a number of illegal armed groups with various political and economic interests still control territory despite the peace accord of 2016. In the midst of this still heavily armed context where women are vulnerable to violence, *Red Mariposas* is clear about its survivor-centered strategy that builds on the traditions of Black women of Buenaventura.

Comadreo is a strategy which plays a particularly key role in this network's support for women survivors in Buenaventura. It provides a safe space for listening and support where a woman can begin a journey toward healing. *Comadreo* is a strategy with multiple components rooted in the concept of the *comadre*, which is an ancestral title. A *comadre* is a woman who is a close friend to a mother or a mother's family and is the first person to place water on a newborn baby. This act commits her to participate in the child's education and upbringing, essentially like a godmother, whose role includes support for the mother as well as the child.

As was explained during GIJTR's Reintegration and Transitional Justice Exchange on March 9, 2021, *Red Mariposas* has two categories of cases. One is when a woman decides to file a complaint. Through the strategy of *comadreo*, the woman has someone to provide mental and emotional support, to guide her in legal matters and to provide protection. If a woman speaks out against an armed group, she may have only a few minutes to leave her neighborhood. Sometimes she is taken to a safe space where care is provided. Transportation is provided so she can leave her neighborhood safely, but also to help her get to places like the District Attorney's

office, a clinic for a legal medical examination or to family court.

Other women choose not to denounce the perpetrator, and *Red Mariposas* seeks to support them in that decision as well. As was shared by a member of *Red Mariposas*, "we never say what has to be done... because we feel that everyone has their own process. Even if they went through the same sexual violence, even if they were recruited for forced manual labor, they all had their own separate experiences, so their processes will be different in turn. We never obligate them to point out their attackers or perpetrators; we simply guide them along in their process and that can be taken all the way to the courthouse."⁵⁸

For both those who do and do not file a complaint, support may include help through *comadreo* meetings and with their mental health. The women may also participate in a training school with modules on peacebuilding, self-care, self-protection, and mutual care. The trainings seek to build a foundation where women understand their rights and see that a cycle of violence is not something natural to be accepted.

In the process of self-care, a woman may choose a path toward healing that involves a trained psychologist or psychospiritual guides to help her. These guides are dedicated to that work and use plants, ointments, and ancestral prayers in healing rituals. These interventions, which are rooted in the traditions of the Afro-Colombian community, help demonstrate that *Red Mariposas* is intensely interested in the survivor and what happened to her, even beyond what she may be able to share.

Healing Practices on the Path toward Reintegration and Justice for Children Born of War

Children born of war face multiple challenges and must survive in countries whose governments have no political will to address those challenges. Some issues that were repeatedly mentioned in the different case studies and field reports used for this toolkit include:

Issues with identity: The strong influence of patriarchal societies that link acknowledgement of a person and his or her acceptance in the family to the identity of the man who impregnated the mother is at the root of the problem. Without clear membership in a paternal family or clan, children born of war are vulnerable to stigma, violence, discrimination and marginalization. In Uganda, children are rejected for not being members of the clan, tainted by the LRA status of the men who raped their mothers. Without a paternal clan, they have no access to identity and belonging, social status, land or resources. In Timor-Leste, female children may experience special discrimination when men refuse to marry them, claiming they are just like their mothers.

Also in Timor-Leste, a predominantly Catholic country, some children born of war have also been refused baptism which reinforces social exclusion by families and communities of children marked as being born out of wedlock. The discrimination is not only social and religious but affects other human rights of children born of war as well.

Children born of war lack basic rights: When the perpetrator of sexual violence is not identified, the situation may present children born of war with legal challenges in accessing identity documents or claiming inheritance.

- *Basic identity documents:* When stigma and discrimination become institutionalized basic human rights are increasingly threatened. Children born of war in Timor-Leste experience a ripple effect of injustice. Without citizenship papers, one child born of war could not obtain a national ID card that, in turn, was needed for other things like opening a bank account. Another child born of war lived in a village that was badly flooded, but when emergency relief funds were distributed, this person's name was not on the list. A number of counties report there is no economic protection for children born of war so that many inherit their mother's poverty due to the pervasive stigma that blocks their access to education and socioeconomic advancement.
- *Issues related to inheritance:* Others have no protection or recognition by key family members that ensures access to land and housing. These children born of war live with the threat of homelessness. For example, a child born of war in Timor-Leste shared, "I do not own land. I live with my grandfather. My uncle says that when my grandfather passes, I can no longer live in this house...It will be handed over to him."⁵⁹ Another spoke of having to live alone in a rented room because their stepfather refused to accept them living in the house with their mother.

Strained relations between mothers and children born of war: Reasons for strained relations between mothers and their children born of war differ in terms of cause and degree. Some mothers never wanted or have never accepted their children and give them no affection. Others have trouble being around them because their presence reminds them of the sexual violence they endured or because they see their children as the source of the social stigma they experience. Some mothers love their children born of war very much, yet keep the truth from them hoping to protect them from hardship. Many mothers feel guilty for the mixed feelings they have or for not being honest with their children. Children sense their mother's mixed feelings or rejection of them but can't understand it, so they seek comfort from other relatives (grandparents, aunts and uncles).

Intergenerational trauma: Although more research on this is needed, field reports suggest that if mothers of children born of war have no help to deal with their grief, frustrations and trauma, and the damage done to them goes unacknowledged, their condition directly affects their children's growth and development, including that of other children not born from the experience of sexual violence. Strained relations with their mothers as well as other family and community members often cause children born of war to experience stress, depression, attention issues, problems in school and with drugs.

- Behaviors that suggest intergenerational trauma in **Colombia** include high numbers of male youth in the community who have been recruited (sometimes by members of their own families) into paramilitary groups that commit murders and enforced disappearances, and traffic in drugs and weapons. They are vulnerable to recruitment because these groups give them armed power, the ability to take women by force and an escape from structural poverty. They see education not as an opportunity but as a setback.
- In **Bosnia and Herzegovina**, post-traumatic stress disorder (PTSD) often becomes intergenerational trauma as seen in children born of war who constantly try to fit into society in order to avoid social prejudices. Their failure to find a strong role model or mentor leads to lack of self-confidence, fear of abandonment and rejection, trouble establishing social and emotional ties and relationships, anxiety, depression, stress and further self-isolation.

- Children born of forced marriage in **Cambodia** have also suffered from the impact of trauma experienced by their family members.
- In **Timor-Leste**, structural injustices that intensify post-conflict trauma for women survivors of conflict-related sexual violence such as poverty, domestic violence, and gender-based discrimination are also intergenerational, suffered by women survivors of sexual violence who struggle to raise and protect their female children who, once they become adults, suffer from the same problems.
- In **Rwanda**, children born of war are burdened by the shame and abuse their mothers face and throughout their lives also face stigma and shame and carry the trauma resulting from that as well.

Whereas other transitional justice tools related to documentation, truth-seeking, and justice offer lessons and potential on behalf of reintegration for children born of war, some CSOs have begun to work directly with children born of war and their families.

Nigeria

JIRE DOLE NETWORK: REINTEGRATION FOR CHILDREN BORN OF WAR

One example of social reintegration for children born of war comes from Nigeria. *Jire Dole*, which means “There must be truth,” is a community-based network led by women that covers the northeast area of Nigeria. This network demands the truth about persons who disappeared either because of Boko Haram insurgents or because of military operations. It is also committed to the rehabilitation and reintegration of survivors, particularly children born of war. According to Hajia Gana, president of the Kanum Women’s Association and the network’s leader, real justice cannot be achieved unless the truth is told about the human rights violations, including sexual and gender-based violence, committed against women and girls.

Sometimes, before women and girls are rescued, they already have babies with names given to them by Boko Haram insurgents. In

Nigerian society, every child must have a family name, so to support reintegration for these children and their mothers, *Jire Dole* makes a donation and buys a goat for the naming, or renaming, ceremony of the child in keeping with the local custom. If the mother is unable to give a name to the child, the surname of a respected man in the community who has supported *Jire Dole* is used. In one case, a woman’s family decided to give the name of the woman’s brother to her daughter who had been born while the mother was still in captivity. This concrete ritual offers an immediate impact for the children born of war and her/his mother by helping them cleanse themselves of the things they were forced to do during captivity by “renaming” those experiences. Another advantage of this approach is that communities can relate to a traditional ceremony they accept and trust. This cultural approach invites public recognition, acceptance, and participation in what is often the first step of survivors toward healing and reintegration. *Jire Dole* also provides inputs to farmers in the network. As Hajia Gana says:

People are appreciating our work in *Jire Dole*. But we need a lot of support from donors, so that what we do can be done on a larger scale. It is we who know how to help returning women and their children blend into the communities. We receive help daily from religious leaders, especially the church and CSOs. They are more interested in seeing an end to the stigma of survivors than the government, and that is what we do...We are doing [this] for ourselves too, because when they are happy, we are happy. Everybody is happy.⁶⁰

Timor-Leste

ACBIT BEGINS WITH MOTHER AND CHILD SAFE SPACES

Asosiasaun Chega! Ba Ita, or ACbit, translates as the “Association of *Chega!* for Us.” *Chega!* refers to the final report of Timor-Leste’s truth commission and translates to “never again” or “enough” in English. ACbit was established in 2010 to promote the findings and recommendations of the report, with special attention to recommendations related to women survivors of the conflict. While lobbying the government, ACbit also supports women survivors through trauma-healing workshops, business training, and public tributes, and has established community centers for women throughout Timor-Leste. It has also joined others to find children who were forcibly taken to Indonesia in the 1970s and 1980s and facilitated visits for them to reunite with their families in Timor-Leste, who in some cases had assumed their children had died. ACbit also seeks to educate the public about gender-based violence during the past conflict and as it continues in the present, and about women’s human rights.

Beginning in 2016, ACbit joined forces with AJAR to facilitate dialogue among women survivors and their children born as a result of sexual violence during the conflict. Different participatory methods encouraged openness and space for the mothers to share their experiences during the conflict with their children. Techniques included, among others, pairing symbols with their past and present situations, body mapping, discussions about who has been a father in the children’s lives, and “postcards of love” as a channel for mothers and children to more completely open themselves to each other (sometimes postcards were written to someone who is no longer alive). Of particular value was an emotional session with a well-respected Catholic sister who helped the children feel accepted by the major religious community in Timor-Leste that she represented. The workshops have contributed to strengthening bonds between children and their mothers and, in some cases, repairing them.

The decision to begin advocacy work on behalf of children born of war by focusing on the relationship between mothers and their children born of war was intentional. Realizing the intergenerational aspect of trauma for these families, it made sense that a healing process be intergenerational as well. Securing a strong emotional relationship between the mothers and their children helps prepare them for ongoing advocacy needed to secure their rights. A facilitator summarized key themes that emerged in a workshop with children born of war as a collective narrative in this way:

“Because of the war, our mothers had to experience unthinkable violations. Not once or twice but many times, for a long time. But out of this darkness, there was also a light. Our mothers became pregnant out of the violence they experienced. They chose to love and to cherish their children, and in return their children’s love also helped free them from despair.... What needs to be changed? The state must pay attention to our plight, that includes helping us with scholarships, assisting us to get our birth certificates, protecting our rights to land, and addressing many other issues. Our communities need to understand what happened and stop discriminating against us.”⁶¹

3.2 Lessons Learned

Countries in transition report a dismal record of reparation and services for women survivors of conflict-related sexual violence, and an even worse situation for children born of war. The Statute of the International Criminal Tribunal of Rwanda, established by the UN in 1994, had no provision for the reparation of women survivors. In Bosnia and Herzegovina, where reparation may be obtained through criminal proceedings in a national court, a woman survivor is likely to think twice before seeking





compensation. Where reparation may require a judicial process, a woman survivor who cannot afford a lawyer to help make a claim or pay court fees, is prone to retraumatization for lack of psychosocial support, could lose protection regarding her identity, and may have her claim dismissed due to time limits set for by the court.

- There are problems with rehabilitation and restitution programs that are not gender sensitive. In Cambodia, only symbolic reparations through art have been developed and approved by the ECCC for survivors of forced marriage. Rwanda reports no reparation for survivors of sexual violence and, even if women qualified for reparations as survivors of genocide, there no support was given for treating mental and psychological trauma. In Uganda, the Juba Peace Agreement provided for criminal prosecution, but did not pay attention to the psychosocial and mental health of the victims.

Recommendation: *Transitional justice mechanisms are not perfect but have the potential to provide reparation for women survivors and children born of war. Today, there can be no excuse for any international tribunal to not provide reparation for women survivors, and it should include their children. CSOs and their networks should lobby courts and truth commissions to provide specific reparations for women survivors and children born of war. If CSOs are sharing data with formal institutions, this gives them leverage to build on that relationship and present a strong case for such reparations.*

- In reviewing the case studies and field reports from GIJTR partners, survivors, and CSOs who accompany them, consistently identified three areas of greatest need: psychological support to address trauma, education, and economic support, including employment opportunities. For many children, an additional urgent need is access to basic identity documents needed to gain access to support services. Prioritizing these needs can begin to tackle issues related to reintegration such as acknowledgement of individual worth and potential, and the positive impact this can have on understanding and self-acceptance.

Recommendation: *TJ practitioners should seek to involve the most vulnerable survivors in the design and implementation of urgent reparations, whether formal or informal, to ensure their unique needs are fully represented and provisions made to address them. Any platform or program for reparations or other support services needs an inclusive definition of survivors that includes their children.*

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- Ad hoc approaches to reparation may provide women survivors and their children with some temporary relief, but the changes in life circumstances, including reintegration, and the support needed to make that possible, requires a holistic, long-term approach that keeps in mind the range of forms: collective, individual, symbolic, and material.

Recommendation: *A holistic approach can be understood both in terms of reparation provided, but also in terms of a comprehensive assessment of needs. To this end several actions can help:*

- *Seek to expand documentation and databases on women survivors so they are more comprehensive by including children born of war, specific experiences of stigmatization and bullying as human rights violations related to reintegration, and the identification of both urgent and long-term reparation needs (including support for reintegration).*
- *Identify different agencies and individuals able to address the most urgent needs of women survivors and children born of war. In contexts such as Colombia, Uganda, Nigeria, and Iraq, that may identify as post-peace agreement but not yet post-conflict, because armed conflict or the threat of it continues, women survivors, children born of war, and other civilians may lack basic safety and security or may be held in refugee or IDP camps that make reparations difficult to realize. In these situations, a priority need is to ensure the safety of women and their children.*
- *At the same time, survivors should be included in the work of organizations and coalitions to strategize on long-term responses for healing and recovery physically, emotionally, educationally, and economically.*

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- Although pressure is needed for courts to issue fair and adequate reparation to women survivors and their children, seeking to influence national legislation and policies to provide support for the special needs of survivors of gender-based violence in conflict and their children can contribute to their reintegration into society and the economy. The Yazidi Women Survivors' Law in Iraq is evidence that national legislation to address the unique needs of women survivors can be realized. Also needed is a strong legal foundation for women's rights in which reparations can make a difference. Women in Colombia, for example, realize that without public policies ensuring they have a secure and dignified life, then whatever reparation measures they obtain are likely to provide only temporary relief.

Reparations may be susceptible to changes in political will and climate – more possible at certain times in a country's transition, than others. For example, in Timor-Leste, women survivors and children born of war have been sidelined in several ways.

On one hand, the post-conflict government gave priority to economic development and provided social support to particular groups – single mothers, people living with disabilities, and the elderly – that does not include women survivors. On the other hand, the government's budget for pensions goes primarily to veterans of the conflict, recognized as the armed fighters, and overlooks the women who played significant roles in the resistance, or who experienced sexual violence in relation. Bosnia and Herzegovina reports schemes for compensation that discriminate against sexual violence survivors, in comparison with war veterans who have access to additional social benefits.

Recommendation:

- *In consultation with survivors, explore pros and cons to expand the definition of war veterans to include women survivors, in order to access benefits and recognition.*
- *Work for specific reparation legislation for women survivors and children born of war*

- *Work to situate formal and nonformal reparations within a broader legislative and political context to support policies and frameworks that strengthen a “never again” approach to transitional justice.*
- *Explore possibilities that would provide women survivors of and children born of war with a special accelerated track to access basic social services. This does not guarantee state acknowledgement of their status as survivors of conflict, so there may be trade-offs to consider.*

- Cultural customs and rituals can contribute to healing for survivors and children born of war, as well as influence social attitudes to create acceptance for survivors and their children. Best practices indicate approaches both within patriarchal culture (such as naming ceremonies for children in Nigeria and efforts to obtain church baptism in Timor-Leste) and outside of it (revival of ancient women’s customs used in healing rituals in Colombia). At the same time, a range of art forms may be available to survivors that provide alternative expressions of truth that are healing.

Recommendation: *Work with community and religious leaders to gain access to cultural and religious customs and rituals that support reintegration, such as naming ceremonies, rites of male and female passage into puberty, or into religious communities.*

- *Research traditional customs that can be revived and adapted to support individual healing as well as healing of relationships that can support reintegration. Particular attention to healing family relations may be a first step to the broader healing of relationships in the community.*
- *Consider the elements of traditional religious customs: body prostration, use of water, earth, candles, incense, etc. Explore the meanings that these symbols convey and use them to create new rituals.*

- Artistic performances can bring together different social, ethnic, and gender groups that break down barriers. Artistic expression has been shown to be a healing experience for survivors. The spirit of innovation and creation demonstrated by best practices in the performing arts can be harnessed to focus on issues of social stigma and influencing public perceptions. Performing arts, depending on local cultural traditions and forms of artistic communication, may be particularly effective as collective and symbolic forms of reparation.

Recommendation: *Work with survivors to explore ways they themselves can create artistic expressions of their experiences, challenges they face and solutions they have developed. It may be possible for these performances to evolve into a source of material reparation.*

3.3 Institutional Reform (“Never Again”) Tools

For families, communities, and states torn apart by genocide, torture, sexual violence, and other horrors that accompany armed conflict, the call “never again” rings loud and true. A careful consideration of institutional reform – which reforms are most strategic to prevent a recurrence of conflict – requires an analysis of the root causes of the conflict. As inequalities and injustices of the past are directly linked to the conflict, a picture of continuous cycles of violence emerges. Yet to reform abusive or weak social, political, and economic systems that gave rise to, contributed to, or otherwise allowed massive international crimes to spread and persist can be an overwhelming task. This is because reforms are needed that affect many aspects of life and governance.





In post-conflict situations, there is often a greater than usual recognition of the need for structural changes. In Colombia, 52.4% of the 1,000+ women interviewed by Rua Pacifica demanded employment. They felt that their economic stability was more dependent on the ability to access a job that pays a living wage and has benefits and less dependent on compensation. This suggests the need not only for skills training, but for reform of an economic system that disadvantages women and may totally marginalize women survivors of sexual violence. Indeed, more than 50% of those interviewed in Colombia saw structural reform of the government via the creation of specific laws and policies as necessary for meaningful reparations.

Another example of needed institutional reform relates to the security sector. It is difficult for women survivors of sexual violence to speak to police officers when all or most of them are men. In Bosnia and Herzegovina, this problem became even greater for women survivors from minority ethnic groups when they had to talk to police officers from the majority ethnic group. The need for police reform not only includes sensitivity and human rights training on sexual violence for police officers, but greater gender and ethnic balance within the police force. Furthermore, many women and girls who escaped Boko Haram camps in Nigeria then endured sexual violations by state security forces and the police. In this situation, widespread vetting of security personnel as well as measures to ensure the nonrepetition of violations perpetrated by security personnel are both necessary examples of security sector reform.

Importantly, institutional reforms aimed at preventing the recurrence of violations experienced by women survivors of conflict-related sexual violence and children born of war requires an understanding of the preconflict conditions that existed in a specific context. Across the different contexts explored in this toolkit, patriarchal mechanisms, structures, and attitudes that existed prior to conflict allowed for the violations experienced by women survivors of sexual violence and children born of war. In Bosnia and Herzegovina, the social, economic, and political advances made by women during the socialist period were quashed in the lead-up to the collapse of Yugoslavia as nationalism and religious conservatism worked to deepen the so-called old gender gap.⁶² As well as understanding the historical conditions that allowed for these violations to take place, institutions need to be reformed to ensure that they would not prevent the successful reintegration of women survivors of sexual violence and children born of war. This is because many of the patriarchal mechanisms, structures, and attitudes that allowed violations to take place are still deeply rooted in society.

Gender Challenges to Institutional Reform

Guarantees of nonrepetition may be achieved by reforming the security sector, constitution, criminal law, judicial system, education system, and media. However, institutional reform measures are often implemented with little concern toward the specific needs of women survivors of sexual violence and children born of war.

Nigeria

OPERATION SAFE CORRIDOR – LACK OF REGARD FOR WOMEN SURVIVORS OF SEXUAL VIOLENCE AND CHILDREN BORN OF WAR

Operation Safe Corridor (OSC) was established in 2016 by the Nigerian government and can be considered a formal mechanism aimed at security sector reform (SSR).⁶³ Its purpose is to deradicalize, rehabilitate, and reintegrate Boko Haram militants who have voluntarily defected back into their communities. While disarmament, demobilization, and reintegration (DDR) of former combatants is an important process for Nigeria, OSC has done little to meet the specific needs of women survivors of sexual violence and children born of war.

According to one female community leader who was interviewed as part of the Nigeria Field Visit, women survivors of sexual violence were not invited to participate in the design and implementation of OSC, and their experiences were not considered in the program's establishment. According to her, "Women are never invited for anything. How can our particular concerns be given priority if we are not part of the process? I am not surprised that all these programs you mentioned do not have any specific concern for women who were raped. This is what we face here."⁶⁴

According to civil society groups in Nigeria, this lack of concern for women survivors of sexual violence is because although the government is paying more attention to gendered violence in general, it is not

showing the same concern for sexual violations perpetrated during the insurgency. Although educational and economic empowerment schemes have been put in place for women and girls, these were predicated on the need for a general rehabilitation of the region following the war.⁶⁵ Therefore, the unique needs and concerns of women survivors of sexual violence and children born of war have not been addressed and have not been incorporated into formal institutional reform measures such as Operation Safe Corridor.

Educational Reform

REWRITING HISTORY, PROMOTING PEACE

Following a period of conflict and widespread human rights violations, educational reform can be a way to mediate between contending historical narratives, promote truth about the past and contribute to lasting peace across generations. The truth about a country's history—details about what led to armed conflict, the crimes committed, and who was involved—are often reported as findings by a truth commission. One way to share findings on a large scale in years to come is to include them in school curricula.

In **Cambodia**, the textbook *A History of Democratic Kampuchea*, an initiative of the Documentation Center of Cambodia and the Ministry of Education, Youth, and Sport, was published in 2007. This was followed by a teacher guidebook and teacher training across the country. The Khmer Rouge history curriculum was then incorporated into the national curriculum in 2009. Cambodian students are required to learn about Khmer Rouge history, including a section on gender-based violence, with a focus on forced

marriage under the regime that includes survivors' testimonies.

In **Timor-Leste**, an MoU between AJAR and Chega! National Center or CNC, has given AJAR the task to help develop educational curricula for grades 7, 8, and 9 that promote a culture of peace as recommended by *Chega!*, the truth commission report.⁶⁶ In September 2020, AJAR Timor-Leste's director joined the revision team of the National Curriculum Unit at the Ministry of Education to carry out the curriculum revision process. Other AJAR staff members sit on the social sciences subteam responsible for revising geography, history, and civic and human rights education. The revision team has completed a draft of the new curriculum and has conducted consultations on it with teachers around the country. It has also completed a draft of the student book for grade 7. Lessons on nonviolence taken from the *Chega!* report have been adopted into history lessons and civic and human rights education.

Colombia

RED MARIPOSAS' WORK TO INFLUENCE ATTITUDES ABOUT SEXUAL VIOLENCE

Red Mariposas' training school in the Buenaventura community includes sessions on women's rights, feminism, machismo, mutual care, self-care, and spirituality. Sometimes evening training sessions are held in a forum style to facilitate discussion of a particular situation or issue that is affecting women, girls, or members of the LGBTIQ+ community.

These programs have influenced the way that community members view women survivors of sexual violence, SGBV, and children born of war. As a result, more people are beginning to understand that violence is not normal or commonplace. Among other things, this has led to more reporting of incidents of GBV than previous years.



Some indigenous communities have also opened themselves to Red Mariposas to come in their neighborhoods and schools for up to one full year. Red Mariposas observes that in the areas where they have been working, relationships involving Afro-Colombian and indigenous women are healthier and more respectful.

Red Mariposas projects supported by UN Women and UNHCR have been considered the most successful for, “raising awareness of people in institutions about gender violence; showing through numbers that gender violence is real and exists in Buenaventura; keeping a fixed, constant day for meetings; keeping the element of continued education and information; performing collective actions jointly with institutions; demanding rights before the controlling bodies; and publicly campaigning on how to stop considering violence to be normal and commonplace.”⁶⁷

3.4 Memorialization Tools

Transitional justice practitioners have brought new insight and meaning to memorialization. Memorials are seen not just as static objects to commemorate those who died or who disappeared in past conflicts, but as processes and spaces for healing and for combating injustice. Memorialization sites can be educational sites used for learning and reflection, in this instance about the realities of sexual violence during conflict and the longstanding impacts those experiences have on individuals, families, communities, and nations. As the International Center for Sites of Conscience points out, by connecting the past to the present and memory to action, memorialization sites may become effective tools for addressing contemporary human rights issues.⁶⁸ As well as this, memorialization may be a tool for supporting truth-seeking, reparations, and institutional reform, as well as a symbol of justice.

For survivors who have been involved in memorialization activities, the process can help bring closure to the pain of past memories. Insofar as memorials in public space require state approval (such as issuing of permits)

and acknowledgement, there is a clear opportunity for the state to reform its perceptions and expressions of the past. With this said, memorialization and remembrance initiatives are more often used to honor the memory of war veterans and civilian casualties than to acknowledge and empower women survivors of conflict-related sexual violence or children born of war. This is often driven by ongoing stigma and taboos surrounding these violations.

Expressions of memorialization are quite varied; they may extend from the community to the national level and can be very expensive or quite meaningful with little cost involved. Only a few examples of memorialization are presented here. The purpose is to inspire practitioners to consider different forms and venues to develop memorials and commemorations that invite the participation of women survivors of sexual violence and children born of war so that their voices and experiences are fully honored. Two examples of good practices in relation to memorialization are the War Childhood Museum in Bosnia and Herzegovina and the ongoing work by ACbit and AJAR in Timor-Leste.

Bosnia and Herzegovina

WAR CHILDHOOD MUSEUM

The War Childhood Museum’s first exhibition was in 2017 with a focus on children’s experiences of the war in Sarajevo, Bosnia, and Herzegovina. Speaking at the GIJTR’s Reintegration and Transitional Justice Exchange in March 2021, Amina Krvavac, the museum’s executive director, explained that the idea for the museum came from adults who, like her, had been affected by the war when they were children in the 1990s. The museum’s research team collected personal objects and testimonies for five years. What emerges are stories of personal loss and trauma as well as stories that talk about resilience and strength so that the ways children were agents of their own lives, even during war, is presented. The museum promotes transformative narratives not of victims but of empowered survivors, and this has proved to have an empowering effect.

Although people know that sexual violence occurred during the war, it is still taboo to talk about it and it was not mentioned in the stories collected

by the research team. Due to this, the team went to organizations that work closely with survivors of sexual violence and children born of war, and carefully approached those who were minors at the time. One of the biggest challenges was to gain their trust so they would see the museum as a safe space and had assurance that any information or materials they shared would not be used by the museum without their consent.

The plan is to curate an exhibition totally dedicated to the experiences of children who experienced sexual violence during the war and children born of war and the consequences of those experiences even decades later in order to raise public awareness about this dimension of the war. The museum is still in the early stages of this project but has gained the trust of people to share their stories so that the museum will have a chance to validate and preserve them with care. When approached in a participatory way, the result is as much the survivors' exhibition as it is the museums.⁶⁹

Timor-Leste

In recent years, Asosiasaun Chega! Ba Ita (ACbit) has led a nationwide campaign about women survivors as heroes. Part of this campaign has been an annual commemoration march around International Women's Day, where survivors act as guides for young women and men to walk across the city visiting sites of detention and torture, and sharing their stories of courage and resilience. ACbit described the event in the following way:

“Our survivors led the so-called Walk to Remember and shared their experiences of hardship with high school students in Farol's former detention sites. We hope that their courage inspires the younger generations to build a nation where people respect each other and equality becomes a reality.”⁷⁰

Like other transitional justice mechanisms, the stigma associated with sexual violence and children born of war are both obstacles to successful memorialization. Working in Timor-Leste, ACbit's Walk to Remember initiative demonstrated that innovation can be used to overcome some of these obstacles. Furthermore, efforts at memorialization of women survivors of sexual violence during conflict and their children is very complicated when dealing with individual identities given the realities of stigma and discrimination in many societies. While the initiative developed by ACbit involved Timorese women survivors, another approach is to identify sites where sexual violence occurred and share information about conflict-related sexual violence in a more general way.

The War Childhood Museum in Sarajevo demonstrated how crucial it is for memorialization and remembrance initiatives to be safe and participatory, and to have significant input from survivors. While the museum is still in the early stages of this project, there is a lot of potential that it can be used to raise public awareness about the experience of survivors and children born of war while ensuring that it is approached in a participatory and empowering way for survivors. Changing public perceptions and allowing survivors to participate in memorialization activities are certainly ways to help the reintegration of women survivors of sexual violence and children born of war.

3.5 Lessons Learned

In post-conflict societies, the guarantee of nonrepetition is crucial. This guarantee may be achieved through a range of institutional reforms, including reforming the security sector, constitution, criminal law, judicial system, education system, and media. In reviewing case studies and field reports from GIJTR partners, it is clear there are a range of formal institutional reforms, measures implemented through state/CSO partnerships, as well as those led by community organizations. Among these examples are institutional reforms that benefit women survivors and children born of war, as well as those which do not address their specific needs and concerns. Analyzing both forms of institutional reform provide valuable lessons.

In his 2019 annual report on sexual violence, the UN Secretary-General makes



a clear case for institutional reform when he identifies gender inequality as the root cause of conflict-related sexual violence:

“Preventing sexual violence requires the advancement of substantive gender equality before, during, and after conflict, including by ensuring women’s full and effective participation in political, economic and social life and ensuring accessible and responsive justice and security institutions.”⁷¹

Despite this, institutional reform is similar to other transitional justice mechanisms in that the needs and concerns of women survivors and children born of war are often not addressed. Efforts to develop and implement institutional reforms which could assist the reintegration of women survivors and children born of war are hampered by deep-rooted stigma and marginalization. In addition, contexts are characterized by patriarchal mechanisms, structures, and attitudes which existed before, during, and after conflicts. As well as allowing sexual violations to take place, they work to prevent the reintegration of women survivors and children born of war.

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- Education is an important mechanism for understanding the past, as well as for changing attitudes about sexual violence and children born of war. Formal and nonformal education institutions and programs have shown to be effective channels for introducing new understandings about experiences of women survivors. Education reforms in Timor-Leste and Cambodia are examples of how education can be used to provide a better understanding of historical, conflict-related sexual violence, and shape existing attitudes regarding these types of violations. The Red Mariposas’ training school in the Buenaventura community in Colombia is an example of how education tackles contemporary sexist attitudes to sexual violence, as well as addressing the marginalization of women survivors and their children.

Recommendation: *Seek alliances with schools and universities to develop modules on the experiences and insights of women survivors and children born of war. Create modules for use in CSO training that tackle reintegration, and consider how to involve key actors with social influence in trainings.*

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- Survivors see education as an avenue to a better life. In Colombia, more than 50% of women interviewed by Rúa Pacífica explained that war took away development opportunities for them and their children. They recognize that their lack of education places them either at the lowest level of the formal economy, or in the informal sector where begging or sex work are the only job options for them and their children. They claim that access to education is an empowering tool for all aspects of life.

Recommendation: *Create special scholarship programs for the children of women survivors. Importantly, these programs should not demand legal documents, so children who do not have documents can still access education; create formal and nonformal adult education and skill training courses for women survivors.*

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- Criminal law reform is necessary in post-conflict contexts and can work to benefit women survivors and children born of war. Although adequate safety measures were not initially provided in Bosnia and Herzegovina, reforms to the justice system led to a significant increase in the number of cases involving sexual violence being prosecuted. Importantly, criminal law reform in Bosnia and Herzegovina was accompanied by a dedication to see justice for survivors of sexual violence.

Recommendation: *Carry out rigorous evaluations of programs aimed at reforming criminal law and judicial systems, to ensure adequate protections for women survivors; work with communities and domestic and international institutions to identify and implement further reforms that will assist the prosecution of perpetrators of sexual violence.*

- Security sector reform can be an important to ensure the reintegration of women survivors and children born of war. In Bosnia and Herzegovina, women survivors were deterred from speaking to police officers as the majority of them were male. The need for security sector reform includes not only sensitivity and human rights training on sexual violence for police officers but also greater gender and ethnic balance within the force. Furthermore, extensive vetting of security personnel is crucial in contexts such as Nigeria, where security personnel perpetrated widespread sexual violence against women and girls.

Women in general are rarely involved in institutional reform. Operation Safe Corridor in Nigeria is a prime example of the need for women survivors and children born of war to be involved in the reform process, particularly in the security sector. Boko Haram militants carried out widespread extreme sexual violence, including rape, gang rape, and sexual slavery. The decision to implement a reform aimed at reintegrating them back into their communities without input from women, is dangerous and represents a blatant disregard for survivors of conflict-related sexual violence and their children.

Recommendation: Local CSOs and practitioners can contribute to more equitable institutional reforms by carefully observing at least two aspects of institutional reforms in post-conflict situations: (i) the extent to which women survivors and children born of war participate directly in the design and implementation of institutional reforms; and (ii) the extent to which the unique needs women survivors of sexual violence and children born of war are reflected in the approach and content of each reform.



IN CLOSING: SEVEN TIPS FOR REINTEGRATION AND TRANSITIONAL JUSTICE

Taken in its entirety, this toolkit is a collection of emerging experiences and knowledge, based on the voices of women survivors of sexual violence and their children born of war. Taking lessons from the work with survivors in Bosnia and Herzegovina, Cambodia, Rwanda, Timor-Leste, Uganda, Colombia, Nepal, and Nigeria, this toolkit hopes to contribute to the long journey of integration. Listening to survivors in each of these contexts has taught us of the sexual violations perpetrated during war, the deep-seated trauma that lasts long after conflict, and the stigma and impoverishment faced by survivors as they struggle to become fully fledged citizens with the common goal of rebuilding society.

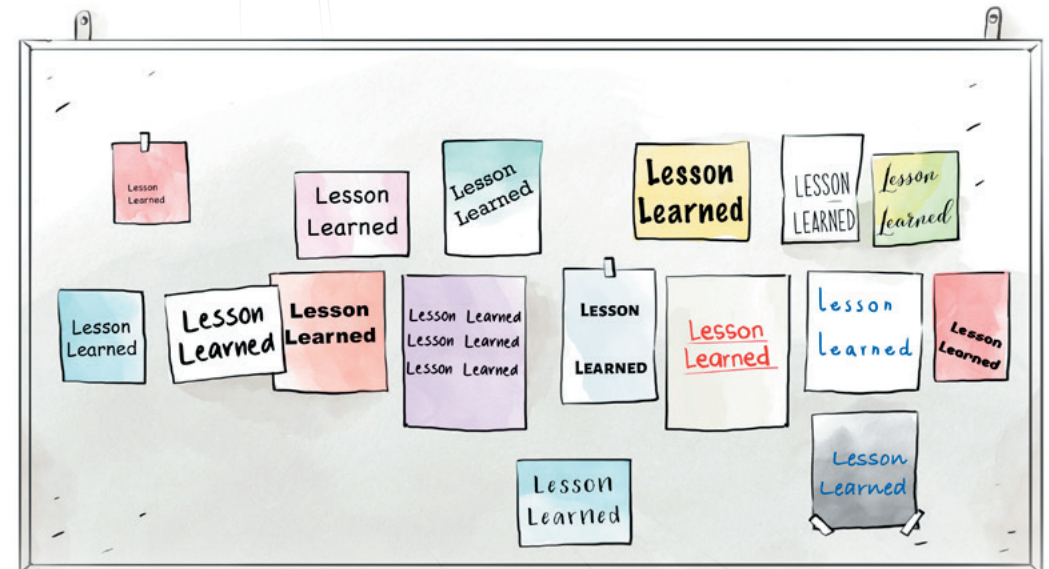
Importantly, this toolkit shed light on the reality that transitional justice mechanisms so often fail to address the needs of women survivors of sexual violence and children born of war. Throughout this toolkit, we saw how structural

inequality, stigma, and the prioritization of other transitional justice mechanisms work to ensure that women survivors of sexual violence and children born of war are not involved in post-conflict processes and programs. This is a blind spot that needs urgent attention, and it is crucial for practitioners to learn from transitional justice processes when they fail women survivors of sexual violence and children born of war. At the same time, this toolkit has taught us to lift up examples of formal and nonformal transitional justice processes when they work toward justice, reintegration, and healing for women survivors of and children born of war.

Seven Key Tips:

TRUTH: A FOUNDATION FOR REINTEGRATION

1. For women survivors and their children, **acknowledging** their experiences of violations is a prerequisite to healing and rebuilding trust to the society and state. However, efforts must be made to create a **wider-lens** than just a focus on sexual violence—survivors also struggle with loss of land, destruction of their homes, loss of opportunities for education, and hurdles to obtain citizenship documents. These concerns must be addressed in parallel with documentation and truth-seeking processes.



2. Truth-seeking must take on a **holistic and long-term approach**. In order to do this, women survivors of conflict-related sexual violence and children born of war must be **fully involved** in the design and implementation of transitional justice processes and also during evaluation. Survivors must be in control of their stories, including **if, when, and how** to reveal their situation as survivors of sexual violence and children born of war.

BREAD: ENSURING THAT SURVIVORS CAN SURVIVE

3. The healing and survival of women survivors of sexual violence and children born of war must be central to the goals of peace and justice. Poverty and stigma weigh down their lives, often creating insurmountable barriers to thrive in new democracies. Governments and civil society groups have a key role to ensure that programs that assist and empower survivors and their children continue **decades after a conflict and the closure of transitional justice mechanisms**. More emphasis and resources must be dedicated to immediate measures such as urgent psychological support to address trauma, education, and economic support, as well as access to basic identity documents that are needed in order to gain access to all other support services. Attention must be paid to **intergenerational trauma** as well as healing for families and communities. CSO workers and human rights defenders who work with women survivors of sexual violence and children born of war are also entitled to trauma healing.
4. Constant work needs to be done to combat the stigma around sexual violations as well as the marginalization of women survivors of sexual violence and children born of war. Attention must be paid to sexist and patriarchal structures and attitudes, as well as the structural inequalities that become **barriers to accessing justice**. Without efforts to punish perpetrators, societies are prolonging impunity and sending a message of disbelief to survivors. Despite challenges, survivors can make informed choices about taking steps to bring their cases to court.



TEA: CIRCLES OF CARE AND THE PROMISE OF NEVER AGAIN

5. Transitional justice processes must be based on an understanding of context-specific conditions which determine the limitations and opportunities for the reintegration of women survivors of sexual violence and children born of war. There may be religious or traditional beliefs and practices that could support the rights of women survivors and children. The right to reparations must be prioritized, adopting creative and community-based approaches that can assist reintegration. Urgent reparations and the provision of services to survivors and their children need to be prioritized and implemented in parallel with truth-seeking and documentation programs.
6. Community-based **memorialization and education can change attitudes, push for reform** and be designed to address urgent needs. These approaches can begin to lift the veil of silence and shame on sexual violence

if done in an empowering and transformative manner. There is still a need for truth telling even after truth commissions or official inquiries. We must also continue to conduct advocacy together with victims, with a focus on women's experiences.

7. A **multipronged and integrated approach** is necessary for the reintegration of women survivors of sexual violence and children born of war. Where possible, these approaches should work at various scales including local, national and international. Community-level organizations have made significant progress in their work with women survivors of sexual violence and children born of war. **We need focused discussions to imagine a comprehensive approach to achieve reintegration for survivors of violence and their children, providing care and empowerment programs that is sustained, transparent, and accessible.** Mechanisms intended to assist societies recovering from mass atrocities must address the multiple impacts of politically motivated violence. This requires approaches that move beyond the artificial boundaries often implicitly drawn to separate silos of assistance: humanitarian emergency, transitional justice, peace building, and development.



Références

- ¹ Statement made by a survivor of sexual violence to Timor-Leste's truth commission, CAVR. Chega, Vol 3, Part 7.7: Rape, Sexual Slavery and other forms of Sexual Violence p. 2031.
- ² A. Bogner & G. Rosenthal, "Rebels in Northern Uganda after their return to civilian life: between a strong we-image and experiences of isolation and discrimination," *Canadian Journal of African Studies* 51, no. 2 (2017): 178.
- ³ International Alert and UNICEF, "Bad Blood: Perceptions of Children Born of Conflict-Related Sexual Violence and Women and Girls Associated with Boko Haram in Northeast Nigeria, Research Summary" February 2016; <http://www.international-alert.org/sites/default/files/Nigeria_BadBlood_EN_2016.pdf>
- ⁴ Asia Justice and Rights, "Timor-Leste's Children of War: A Promise to Heal," 6 November 2018; <https://asia-ajar.org/2018/11/policy-paper-timor-lestes-children-of-war-a-promise-to-heal/>
- ⁵ Cristina Maza, "Civil Party Holds Firm on Account of Khmer Rouge Marriage," The Phnom Penh Post, 25 August 2016; <https://www.phnompenhpost.com/national/civil-party-holds-firm-account-khmer-rouge-marriage>
- ⁶ Quote by Pedrag Miletic from the Humanitarian Law Centre for Bosnia and Herzegovina Report, 2020.
- ⁷ Vesna Peric Zimonjic, "INT'L WOMEN'S DAY: Bosnia Rape Victims Forgotten," Inter Press Service News Agency, May 7, 2006. <http://www.ipsnews.net/2006/03/intl-womens-day-bosnia-rape-victims-forgotten/>
- ⁸ S. L. Russell-Brown, "Rape as an Act of Genocide," *Berkeley Journal of International Law* 21, no. 2 (2003) 350-374; <http://www.genderandsecurity.org/sites/default/files/Russell-Brown_-_Rape_as_an_Act_of_Genocide.pdf>.
- ⁹ Galuh Wandita, "Truth, Bread, and Tea," presentation at workshop on Reintegration and Transitional Justice, 8 March 2021.
- ¹⁰ The United Nations, "UN Official and Expert Call on States to Ensure Right to Justice for Victims of War-Time Sexual Violence," UN News, 10 December, 2012; <https://news.un.org/en/story/2012/12/427872>.
- ¹¹ The United Nations, "The UN Approach to DDR Level 2 Concepts, Policy and Strategy of the IDDRS" 2006, p. 6; <http://www.iddrtg.org/wp-content/uploads/2013/05/IDDRS-2.10-The-UN-Approach-to-DDR1.pdf>
- ¹² Ana Cutter Patel, Pablo de Grieff and Lars Waldorf, "Disarming the Past; Transitional Justice and Ex Combatants," *International Centre for Transitional Justice*, 2009.
- ¹³ The United Nations, "UN IDDRS Module on Transitional Justice and DDR. Section 8.2.7" <https://www.un.org/ruleoflaw/blog/document/iddrs-module-on-transitional-justice-and-ddr/>
- ¹⁴ Human Rights Watch, "Those Terrible Weeks in Their Camp," October 27, 2014; <https://www.hrw.org/report/2014/10/27/those-terrible-weeks-their-camp/boko-haram-violence-against-women-and-girls>
- ¹⁵ Murad Code: Global Code of Conduct for Documenting Conflict-Related Sexual Violence, "Home," 2020; <https://www.muradcode.com/home>
- ¹⁶ Report of the Office of the UN High Commissioner for Human Rights, "Analytical study focusing on gender-based and sexual violence in relation to transitional justice," United Nations General Assembly Human Rights Council, 27th Session, A/HRC/27/21 (June 20, 2014), 7.
- ¹⁷ Cambodian Defenders Project, "NGO Submission on Question No. 11 of the List of Issues and Questions With Regard to the Consideration of Periodic Reports of Cambodia," 2013; https://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CambodianDefendersProject_PSWG_Cambodia56.pdf
- ¹⁸ Colombia Field Visit Report by Bibiana Penaranda Sepulveda, 2020.
- ¹⁹ Interview with Ajna Jusić and the Humanitarian Law Center in Bosnia and Herzegovina, 2 August 2020. Ajna's story was used as a plot for the movie *Grbavica: The Land of my Dreams* (2006).

- ²⁰ UN Human Rights Council, "16 Days of Activism Against Gender-Based Violence," *Reliefweb*, 10 December, 2012; <https://reliefweb.int/report/world/16-days-activism-against-gender-based-violence>
- ²¹ NVA, working with AJAR, trained members of victim's organizations in Aceh and Timor-Leste to conduct interviews and take digital photographs, findings and analysis of the research were presented back to their communities and members. See "Remembering My Beloved, Remembering My Pain," (2012) at www.asia-ajar.org.
- ²² A. O. Longombe, K. M. Claude, J. Ruminjo, "Fistula and Traumatic Genital Injury from Sexual Violence in a Conflict Setting in Eastern Congo: Case Studies," *Reproductive Health Matters* 16, no. 32, (2016): 132-141.
- ²³ Rada Iveković, "Violence and Healing: The War and the Post-War Period from the First Generation and Beyond," in *Women's Court: About the Process*, ed. Staša Zajović, 109-110. Belgrade: Women in Black and Center for Women's Studies, May 2015.
- ²⁴ Myriam Denov and Sara Kahn, "They Should See Us as a Symbol of Reconciliation: Youth Born of Genocidal Rape in Rwanda and the Implications for Transitional Justice," *Journal of Human Rights Practice* 11 (2019): 153-154.
- ²⁵ "Enduring Impunity: Women Surviving Atrocities in the Absence of Justice," <https://asia-ajar.org/2015/11/enduring-impunity-women-surviving-atrocities-in-the-absence-of-justice/>
- ²⁶ "Stone & Flower: A Guide to Understanding and Action for Women Survivors," <https://asia-ajar.org/2015/11/stone-flower-2/>
- ²⁷ "Mosaic: A Manual for Rebuilding Lives and Communities After Torture," <https://asia-ajar.org/2018/01/unlearning-impunity-series-mosaic/>
- ²⁸ See: The United Nations OHCHR, "The United Nations Voluntary Fund for Victims of Torture," <https://www.ohchr.org/EN/Issues/Torture/UNVFT/Pages/Index.aspx>
- ²⁹ Interview with Prof. Patricia Donli, Chief Executive Director, Gender Equality, Peace and Development Center, held on 03 December 2020, held in Maiduguri, Borno State.
- ³⁰ Galuh Wandita et al, "Enduring Impunity: Women Surviving Atrocities in the Absence of Justice," AJAR, 2015.
- ³¹ Shin Hyon-hee, "Comfort women: Living, harrowing mark on history," The Korea Herald, 17 August, 2014, <http://www.koreaherald.com/view.php?ud=20140817000197>
- ³² Presentation by Ermiza Tegal and Thiagi Piyadasa, 10 May 2020.
- ³³ Physicians for Human Rights, "Kenya Submission to the United Nations Special Rapporteur on Violence against Women, its Causes and Consequences Ms. Dubravka Šimonović," 31 December 2020; <https://www.ohchr.org/Documents/Issues/Women/SR/RapeReport/CSOs/166-kenya.pdf>
- ³⁴ Information shared by member of the UN Commission on Human Rights in South Sudan during GIJTR's Reintegration and Transitional Justice Exchange on March 10, 2021.
- ³⁵ Open Society Justice Initiative, "Recent Developments at the Extraordinary Chambers of the Courts of Cambodia," January 2020.



- ³⁶ UNTAET Regulation 2000/15 (6 June 2000) on the Establishment of Special Panel for Serious Crimes; Regulation 2000/11 as amended by 2000/25 www.un.org/peace/etimor/UntaetN.htm
- ³⁷ Four of these charged rape as crimes against humanity (Lolotoe, Atabae, Suai, and Cailaco), of which only one went to trial (the Lolotoe case) resulting in the only conviction for rape as crimes against humanity. Two other cases were charged with ordinary rape: One was dismissed for lack of jurisdiction (West Timor), and the other (Dili) resulted in a conviction of four years of imprisonment. See Press Release, Office of the Deputy General Prosecutor for Serious Crimes (8 March 2004): <http://socrates.berkeley.edu/~warcrime/Serious%20Crimes%20Unit%20Files/default.html>
- ³⁸ Galuh Wandita, "Whose Justice Is It Anyway? Gendered Lessons in Transitional Justice in Timor-Leste" in *The Future of Asian Feminisms: Confronting Fundamentalisms, Conflicts and Neo-Liberalisms*, Nursyahbani Katjasungkana & Saskia Wieringa (eds.), Cambridge Scholars Publishing, 2012.
- ³⁹ Sections 24 and 25, UNTAET Regulation 15/2000.
- ⁴⁰ David Cohen, *Indifference and Accountability: The United Nations and the Politics of International Justice in East Timor*. Honolulu: East West Centre, 2006.
- ⁴¹ Richard J. Goldstone Hon., "Prosecuting Rape as a War Crime," *Case Western Reserve Journal of International Law* 34, no. 3 (2002): 278.
- ⁴² Binafer Nowrojee, "Your Justice is Too Slow: Will the ICTR Fail Rwanda's Rape Victims?" *United Nations Research Institute for Social Development* (2005).
- ⁴³ Chelangat Chebocok, "A Gender Analysis of the Transitional Justice Systems in Rwanda and Sierra Leone" (Master's Thesis, University of Nairobi, 2011).
- ⁴⁴ UN Women, "Landmark Ruling in Guatemala a Victory Against Sexual Violence in Armed Conflict," 3 March 2016; <http://www.unwomen.org/en/news/stories/2016/3/guatemala-victory-against-sexual-violence-in-armed-conflict>
- ⁴⁵ Isa, narrator and survivor in the survivor narrated animation *Konta-Sai* (Speak Out!), Timor-Leste, 4 May 2021.
- ⁴⁶ United Nations Human Rights Office of the High Commissioner (OHCHR), *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*, adopted and proclaimed by General Assembly resolution 60/147 (2005).
- ⁴⁷ Amnesty International, "Whose Justice? Bosnia and Herzegovina's women still waiting" (30 September 2009); <http://www.amnesty.org/en/documents/eur63/006/2009/en/>
- ⁴⁸ Kate Clark, "International Litigation Series #1: War Reparations and Litigation, the Case of Bosnia," *Nuhanovic Foundation Center for War Reparations*, 2014.
- ⁴⁹ Amnesty International, "Whose Justice? Bosnia and Herzegovina's women still waiting" (30 September 2009); <http://www.amnesty.org/en/documents/eur63/006/2009/en/>
- ⁵⁰ The Right Livelihood Foundation, "21 Years After the War, Bosnian Rape Survivors Still Grapple with Trauma and Stigma" December 14, 2016; <https://www.rightlivelihoodaward.org/media/21-years-after-the-war-bosnian-rape-survivors-still-grapple-with-trauma-and-stigma/>
- ⁵¹ Güley Bor, "Iraq's Reparation Bill for Yazidi Female Survivors: More Progress Needed," *London School of Economics Blog*, 6 April 2019; <https://blogs.lse.ac.uk/mec/2019/04/26/iraqs-reparation-bill-for-yazidi-female-survivors-more-progress-needed/>
- ⁵² ECCC 2018, paras 4424, 4457.
- ⁵³ Rosemary Grey, "Seen and Unseen: Sexual and Gender-Based Crimes in the Khmer Rouge Tribunal's Case 002/02 judgment," *Australian Journal of Human Rights*, 25, no. 3, (2019): 466–487.
- ⁵⁴ Bophana Centre, "PHKA SLA DANCER DRAMA." YouTube Video. 5 July 2019; <https://www.youtube.com/watch?v=V-6yTphGDul>
- ⁵⁵ Asia Justice and Rights, "Tetun Comic Book: Pirlampu (Fireflies) Light in the Darkness," 25 May 2018; <https://asia-ajar.org/2018/05/tetun-comic-book-pirilampu-fireflies-light-in-the-darkness>
- ⁵⁶ Asosiasaun Chega! Ba Ita, "Teatru Pirlampu 2017," YouTube Video. 15 October 2018; <https://www.youtube.com/watch?v=TE4fElyLtbQ>
- ⁵⁷ Saing Soenthrith, "Couples Forced to Marry Under Khmer Rouge Reaffirm Vows," *The Cambodia Daily*, 1 February 2016; <https://english.cambodiadaily.com/news/couples-forced-to-marry-under-khmer-rouge-reaffirm-vows-106968/>
- ⁵⁸ Quote by Red Mariposas for Colombia Field Report, 2020.
- ⁵⁹ Quote from CBOW for Timor-Leste Report, 2020.
- ⁶⁰ Quote from Hajia Gana for Nigeria Field Report, 2020.
- ⁶¹ Quote by facilitator for Timor-Leste Report, 2020.
- ⁶² Cal Clark and Janet Clark, "The Gender Gap in Yugoslavia: Elite versus Mass Levels," *Political Psychology* 8, No. 3 (1987), pp. 411–426.
- ⁶³ International Crisis Group, "An Exit from Boko Haram? Assessing Nigeria's Operation Safe Corridor," 2021; <https://www.crisisgroup.org/africa/west-africa/nigeria/b170-exit-boko-haram-assessing-nigerias-operation-safe-corridor>
- ⁶⁴ Quote by woman survivor for Nigeria Field Report, 2020.
- ⁶⁵ Adetomiwa Isiaka, "Nigeria Declares a State of Emergency on Rape and Sexual Assault," *Global Voices*, 3 July 2020; <https://globalvoices.org/2020/07/03/nigeria-declares-state-of-emergency-on-rape-and-sexual-assault/>
- ⁶⁶ Timor-Leste Commission for Reception, Truth and Reconciliation, "Chega: Chapter 11, 3.4: Right to Security of Person: A National Commitment to Non-Violence," 2005: pp. 2580–2581. <http://chegareport.org/Chega%20All%20Volumes.pdf>
- ⁶⁷ Quote by Red Mariposas for Colombia Field Report, 2020.
- ⁶⁸ "About Us," International Coalition of Sites of Conscience; <https://www.sitesofconscience.org/en/who-we-are/about-us/>
- ⁶⁹ War Childhood Museum, "The Idea, Mission and Vision of the War Childhood Museum," 27 July 2015; <https://warchildhood.org/the-idea-mission-and-vision/>
- ⁷⁰ Quote by ACbit for Timor-Leste Report, 2020.
- ⁷¹ The United Nations, "Conflict-Related Sexual Violence: Report of the United Nations Secretary-General," March 2019; <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/07/report/conflict-related-sexual-violence-report-of-the-united-nations-secretary-general/2019-SG-Report.pdf>



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