

Workbook 7

Gender Justice and Peace



TRANSITIONAL JUSTICE
ASIA NETWORK



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Transitional Justice and Peacebuilding Workbook Series

- 1. Transitional Justice and Peacebuilding**
- 2. Strategizing for Justice and Peace**
- 3. Truth-Telling to Sustain Peace**
- 4. Prosecutions and Peacebuilding**
- 5. Reparations to Strengthen Peace**
- 6. Institutional Reform for Guarding Peace**
- 7. Gender Justice and Peace**
- 8. Emerging Approaches for Climate Justice and Indigenous rights for peace**

Each volume is written as an interactive companion workbook to the chapters
in **Transitional Justice Handbook**

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Introduction

Transitional justice and peacebuilding emerged as coherent disciplines along a similar timeline. Practitioners in each field gained experience working after periods of violent conflict, repression, and mass violations of human rights. Especially since the 1990s, ad hoc mechanisms and activities developed into more integrated and strategic approaches.

However, while transitional justice and peacebuilding often take place in the same context, they do not always work hand-in-hand. Tensions between the approaches, or a lack of joint planning, often prevent the two fields from working in complementary ways. Materials often target practitioners in one field or the other

A second gap in the literature concerns local action. Studies of peacebuilding often focus on the big picture. They examine strategies and actions by international entities, such as Security Council, peacekeeping missions, and UN agencies, and national actions and bodies such as peace agreements, constituent assemblies, parliaments, and special commissions. While these subjects are all important parts of peacebuilding, often the most profound and transformative actions are by individuals and families at the local level.

The same can be said for transitional justice, such as a victim-survivor learning to come to terms with her pain and loss, developing her agency, and living a full life within family and community. Change is experienced and consolidated at the local level, where everyday life is lived, even while national strategies provide critical frameworks.

These workbooks address both these challenges. First, they are designed for NGOs and civil society organisations that focus on transitional justice, while operating within peacebuilding contexts. Second, the workbooks encourage analysis and offer practical ideas and strategies for local action. Examples demonstrate that in the complex political, security and institutional settings created by conflict, meaningful local civil society action is not just possible, but essential.

Purpose of This Workbook

The workbooks are designed as tools to reflect on opportunities and challenges for individuals and small groups. Real-world examples offer lessons on how peacebuilding and transitional justice approaches can complement each other.

Workbook Seven focuses on gender inequality and violence during and after periods of conflict. An understanding of the gendered impact of violations and violence must inform strategies to rebuild society. The workbook demonstrates opportunities and challenges for addressing gender-based discrimination and violence during peacebuilding, specifically opportunities for NGOs to have a positive impact at the local level.

This workbook is based on Chapter Seven in the 2023 AJAR's Transitional Justice Handbook.

Like the other workbooks in the series, it is designed as a tool for reflection and analysis by individuals and small groups. It focuses on opportunities and challenges for NGOs and civil society organisations, prompting practical ideas and strategies for local action. Examples demonstrate the possibilities for significant results even in the most challenging conditions.

Learning Outcomes of This Workbook

- A practical understanding of how gender justice relates to peacebuilding
- Awareness of some lessons on how peacebuilding programs can support women and girl victim-survivors.
- A more inclusive understanding of gender justice that includes LGBTQI+ people, male victim-survivors of gender-based violence, and other categories.
- An analysis of your peacebuilding context and the needs and opportunities for NGO-led gender justice initiatives.
- Knowledge of concrete examples of NGO gender justice programs in other peacebuilding contexts.



Gender Justice and Peacebuilding

Widespread sexual and other gender-based violence is common in conflicts. However, both peacebuilding and transitional justice practitioners were slow to address the causes and legacies of such violence. NGOs, and especially women's rights organisations at national and grassroots levels, have been the drivers of change for what is still a work in progress.

In virtually all peacebuilding contexts and strategies, gender equality is also a major issue, requiring short, medium and long-term action in the face of many obstacles. The United Nations has long recognised discrimination as a root cause of gender-based violence, and in 2022, the UN Human Rights Council passed a resolution calling on States to ensure that transitional justice initiatives address gender-based human rights violations and their root causes by ensuring the full participation of women as agents of change.

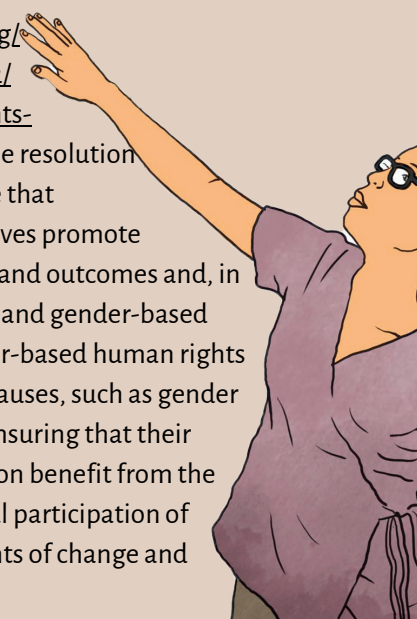
Transitional justice initiatives have gradually improved approaches to addressing gender discrimination and violence. Earlier mechanisms overlooked many violations against women. Women's experiences of human rights violations were not as well documented or understood, women were less likely to be supported, and there was less pressure to address root causes. There is still much to be done, and women's rights NGOs and broader women's movements continue to drive change in most countries.

The UN Human Rights Council has also emphasized the need to provide gender-sensitive human rights training in the context of transitional justice to all national actors dealing with victims of human rights violations and abuses, particularly women and girls. These include police, military, intelligence and security services, prosecution staff, and members of the judiciary.

UN Human Rights Council A/HRC/RES/51/23, 7 October 2022, paragraph 6(c).

<https://www.globalr2p.org/wp-content/uploads/2022/11/HRC-51-23-HumanRights-TransitionalJustice.pdf>

The resolution called on states to “ensure that transitional justice initiatives promote transformative processes and outcomes and, in particular, address sexual and gender-based violence, and other gender-based human rights violations and their root causes, such as gender inequality, including by ensuring that their design and implementation benefit from the full, equal and meaningful participation of women, including as agents of change and leaders



It is important to focus attention on the experiences of women to ensure a holistic understanding of mass violations, leading to a more comprehensive approach to transitional justice. Peacebuilding initiatives must also effectively address gender discrimination if contemporary violence against women and girls is to be eliminated, and if women and girls are to play an equal role in building a peaceful society.

Lessons from peacebuilding contexts include:

- Gender-based violence often continues in different forms after a conflict, often within the domestic sphere.
- This ongoing gender-based violence is often hidden due to the stigmatisation of victims and an adherence to paternalistic norms and power structures, such as male dominated parliaments, local and traditional governance, courts, and police services. Women and girls in rural areas face extra challenges due to “traditional” or “conservative” values.
- Victim-survivors of sexual violence during conflict are disproportionately vulnerable to renewed violence in peacebuilding periods. The stigmatisation of victims leads to social and economic marginalisation, which makes them easy targets for perpetrators.
- Women's rights NGOs and community-based organisations usually take the lead in advocacy for action. They need support for both long-term action and immediate impact.
- During peacebuilding processes, critical opportunities emerge to achieve the structural change essential for equality and non-discrimination in the long term. These opportunities include gender equality provisions in the constitution; a ministry or other high-level office for the protection and promotion of women's rights; reform to the justice system and police services to include more women in key positions and services to prevent and alleviate the impact of gender-based violence; high-level political messaging; and public education campaigns. NGOs can advocate for these measures and provide personnel to realize them.
- Most countries have ratified key conventions such as the Convention on Ending Discrimination Against Women (CEDAW). NGOs can use the legal commitments of this convention to hold the government to account during peacebuilding reforms.
- Peacebuilding processes often include funds and programs in support of women and women's organisations, and NGOs can link to these opportunities.
- Women in rural and remote communities may be excluded from urban-centric policies and programs. NGOs have a key role in outreach to bring their voices to the seat of power and to secure services to these communities.
- LGBTQI+ people are often targeted during conflict. Their suffering is often invisible to the wider community, including mainstream human rights NGOs, due to prejudice and stigmatisation. Without proactive human rights engagement, LGBTQI+ people may be excluded from both transitional justice and peacebuilding initiatives, making them vulnerable to renewed violence. Many mainstream NGOs have paid little attention to LGBTQI+ rights and experiences. They are often ignorant of international human rights developments of the past 20, and do not have adequate links with LGBTQI+ organisations in their countries.

Worksheet 1: Gender and Official Peacebuilding Efforts

To what extent is gender equality a priority in peacebuilding discussions and initiatives?

Are there women leaders in transitional justice mechanisms such as truth commissions and courts? Is there gender expertise in these institutions able to influence and shape strategy?

List Official Initiatives to Address Gender Equality and Discrimination as Part of The Peacebuilding Process. List Three Major Gaps That Call for Action.

Does an official body monitor commitments to ending gender-based discrimination under CEDAW? How can NGOs strengthen this process?

Are women's rights NGOs playing a role in shaping peacebuilding strategy and initiatives?

Expanding The Understanding and Scope of Gender Justice

While gender justice focuses largely on overlooked discrimination and violence against women and girls, it also encompasses kinds of violence against men and boys, including sexual violence, as well as discrimination against sexual and gender minorities. See page 164 of the TJ Handbook for examples of gender-based violence against women and girls and against men and boys.

The United Nations has developed a framework recognising the equal rights of LGBTQI+ people, and the widespread violations of those rights. This framework can be useful for civil society organizations and NGOs at local and national levels working to protect the rights of LGBTQI+ people, including in transitional justice contexts.

Most countries maintain laws and practices of discrimination, and often violence, against LGBTQI+ people. Many criminalise LGBTQI+ people, including by imposing the death sentence. In democracies slow to recognising their equal rights, it has been LGBTQI+ community-based action and civil society organisations that have led the struggle for change. Mainstream human rights organisations have gradually supported this work in some countries, but the lead taken by LGBTQI+ communities will remain essential to the protection of rights and equality.

Worksheet 2: Victim-Survivors Who Are Invisible, Marginalised, and Lacking Support

See UN Office of the High Commissioner for Human Rights website, Human Rights Topics: LGBTQI people https://www.ohchr.org/en/topic/lgbti-people?gclid=CjoKCQjw_5unBhCMARIsACZyzS2lKdwZDZvT47UPRfS524xBFS8zvSIM-pgC4G_DKow8sCIYuQ9ikZEaAvG8EALw_wcB

Are there LGBTQI+ organisations? If not, how can mainstream NGOs support LGBTQI+ people to organise and take part in both transitional justice and peacebuilding processes?

If there are, do women's rights and human rights NGOs have working relationships with them? How much does homophobia or a lack of openness prevent effective partnerships?

Are other victims of gender-based violence particularly invisible, such as people living with disabilities, Indigenous, ethnic and religious minorities, women and girls in remote communities, or male victims of sexualised torture? How can mainstream NGOs support them? Are new staff and training required?

Examples of Roles Played by NGOs on Gender Justice

While states bear the responsibility to end gender-based discrimination and achieve gender justice, civil society plays a key role in advocacy and programs, especially at the community level. Examples of effective NGO action in peacebuilding contexts include:

➤ **Timor-Leste**

Women's rights NGOs engaged with the CAVR truth commission (2002-2005) to shape its mandate and implement programs that support truth seeking and assist women victim-survivors. A strong, reciprocal relationship helped to incorporate gender into the CAVR's framework and to foreground gender issues in the commission's daily work and recommendations. Women's rights NGOs provided expertise in areas such as research, outreach, and psycho-social support. However, there was a ten-year gap between the commission's report and a government mechanism to ensure implementation of its recommendations. In this vacuum, Association Chega! Is Ours (ACbit!) formed in 2011 to support women survivors and advocate for their rights, including implementation of the CAVR recommendations. In addition, in 2023 the Pirilampu (Firefly) organization formed for women victim-survivors of the conflict era. This organization grew out of years of engagement with victim-survivors, using participatory action research to empower women as advocates. While a major goal is reparations, the group also empowers survivors and their families in their daily lives.

➤ **Solomon Islands**

An official truth commission operated 2009-2011 to examine human rights violations during inter-ethnic communal violence between 1998 and 2003. The commission examined violence against women, conducting an in-depth case study and engaging female researchers to document women's experiences. Following up on the commission's actions to gather information from the public, hold closed hearings, take statements, and conduct 100 interviews and 11 focus groups with women, the Solomon Islands Trauma Healing Association formed to continue its unfinished work.

➤ **Cambodia**

In the early stages of the Extraordinary Chambers in the Courts of Cambodia (ECCC, 2007-2019), a specialized Victim Support Section with limited capacity relied on operational support from about a dozen NGOs. The ECCC initially overlooked sexual violence by the Khmer Rouge, but NGOs worked with civil party lawyers to get the court to include the crime of forced marriage in the indictments. In addition, an NGO-led initiative in 2013 held women's hearings to reveal the extent and nature of sexual and other gender-based violence during the Khmer Rouge period. Three national hearings took place, including one with women survivors from other conflicts in the Asia-Pacific.

➤ **Myanmar/Bangladesh**

Since 2017, transitional justice NGOs and UN humanitarian partners have worked with Rohingya refugee women and girl victim-survivors. Using participatory action research and other methods, they have documented human rights violations and empowered survivors in the face of heavy taboos.

➤ **Indonesia/Papua**

Since 2010 an NGO partnership for Indigenous women truth telling has documented and published women's experiences to support advocacy for change. This work takes place in the context of conflict and in action by the government and the international community.

➤ **Indonesia/Aceh**

In 2015, the National Commission on Violence Against Women (Komnas Perempuan) worked with civil society organisations to publish the stories of 60 women victim-survivors of violence from across Indonesia, including Aceh. NGOs and civil society organisations also supported women victim-survivors of gender-based violence as they spoke out at hearings on torture and forced disappearances before Aceh's sub-national truth commission (KKR Aceh) from 2016 to 2021.

➤ **Southern Thailand**

From 2004, civil society organisations have provided reparative support and programs to victim-survivors and their families, especially vulnerable groups the state overlooks. Women activists and organisations support peace efforts and women victims of conflict-related violence through psychological support, awareness raising about human rights, and promotion of life skills, as well as compensation for women whose husbands are detained. NGOs also monitor human rights violations and advocate for legal changes to strengthen accountability and for support for victims.

➤ **NGOs**

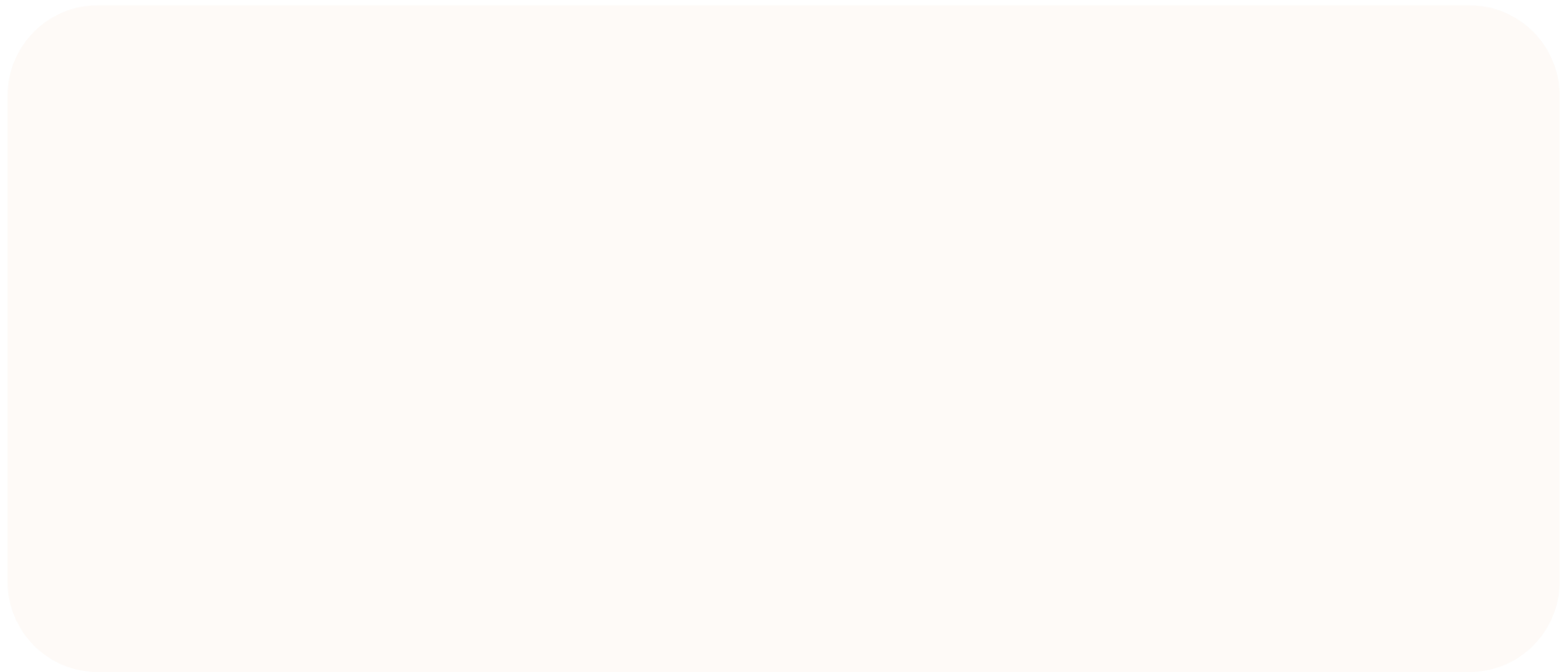
Have provided human rights training to police and government officials on human rights, transitional justice and gender.



Are there NGOs or activists focused on men’s behavioral change to eradicate gender-based violence? How well are these NGOs resourced and included in both transitional justice and peacebuilding processes?



Write your case study on the role of NGOs pushing for gender justice in a peacebuilding setting. What are the key lessons?



Worksheet 4: The Gender Dimensions of the Pillars of Transitional Justice

Workbook 2 reviewed the four pillars of transitional justice. This worksheet returns to this topic with questions that focus on the gender-based violence and gender equality.

<p>Truth and Memory on Gender-Based Violations</p> <p>Are there taboos against speaking up about sexual violence? What actions can create safe ways for victim-survivors to speak up for truth, justice, and their right to reparations?</p> <p>How well do national and local activities of remembrance, recognition, and memorialisation reflect sexual and other gender-based violence? How can NGOs increase the focus on SGBV and inclusion of women and girls?</p>	<p>Reflections</p>
<p>Reparations</p> <p>If there have been no reparations for survivors of SGBV, why not?</p> <p>If there have been reparations programs or other government support, how well were survivors of SGBV included? What can NGOs do to increase their inclusion?</p>	<p>Reflections</p>
<p>Prosecutions and gender based violence.</p> <p>Are prosecutions underway or planned for past mass violations? If so, what discussion has taken about sexual and other gender-based violence? Can NGOs influence prosecution strategy through advocacy, action, and practical support? Develop a list of key actions to take in your context.</p>	<p>Reflections</p>
<p>Institutional reform</p> <p>Is SGBV an ongoing problem in your society? Are structural reforms needed to address the root causes of gender-based discrimination and the violence that occurred during conflict? For example, special units and training within the police and judicial system; a national commission on women's rights; specialized units within a national human rights commission; and shelters and holistic support programs for survivors of domestic violence. List your priorities for institutional reform.</p>	<p>Reflections</p>

Resources and References

Primary sources

Convention on the Elimination of all forms of Discrimination Against Women (CEDAW, 1979)

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

UN Security Council Resolution 1325 on Women, Peace and Security (2000)

<https://www.un.org/shestandsforpeace/content/united-nations-security-council-resolution-1325-2000-sres1325-2000>

UN Security Council Resolution 1820 (2008) recognising sexual violence as a weapon and tactic of war and a threat to international peace and security.

<https://www.un.org/shestandsforpeace/content/united-nations-security-council-resolution-1820-2008-sres18202008>

UN Security Council Resolution 1888 on Sexual Violence in War (2009), establishes a system of added protection and support to prevent sexual violence in war

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UN Human Rights Council A/HRC/RES/51/23, 7 October 2022,

<https://www.globalr2p.org/wp-content/uploads/2022/11/HRC-51-23-HumanRights-TransitionalJustice.pdf>

Background reading

AJAR Transitional Justice Handbook, Chapter 7

<https://asia-ajar.org/resources/books-research/transitional-justice-handbook/>

Women, Peace and Security: Women as Peacebuilders. UN Women.

https://unwomen.org.au/our-work/focus-area/women-peace-and-security/?gclid=CjwKCAjwkY2qBhBDEiwAoQXK5cL8YA74Gz7ahz6rwCjIKKgsOfinm9pLLyvcmco9NAOCBBneYWtyVxoCoOQQAvD_BwE

UN Peacebuilding Commission's Gender Strategy 2016

https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/07092016- pbc_gender_strategy_final_1.pdf

Global Survivors Fund: for and with survivors of conflict-related sexual violence.

<https://www.globalsurvivorsfund.org/>

LGBTQI+ people and human rights: UN Office of the High Commissioner for Human Rights website, Human Rights Topics - LGBTQI people https://www.ohchr.org/en/topic/lgbti-people?gclid=CjoKCOjw_5unBhCMARIsACZyzS2lKdwZDZvT47UPRfS524xBFS8zvSIM-pgC4G_DKow8sCIYuQ9ikZEaAvG8EALw_wcB

Guatemala Declaration: Women Survivors of Genocide and Sexual Violence. February 2023.

<https://www.globalsurvivorsfund.org/latest/resources/guatemala-declaration/>

Kinshasa Declaration. Survivors and victims of conflict-related sexual and gender-based violence issued the Kinshasa Principles which have been developed into this Declaration. November 2021.

<https://www.globalsurvivorsfund.org/latest/resources/kinshasa-declaration/>

Breaking the gender trap: Challenging patriarchal norms to clear pathways for peace. Based on research in Kyrgyzstan, Nepal, Nigeria and the Philippines. May 2023.

<https://www.international-alert.org/publications/breaking-the-gender-trap-challenging-patriarchal-norms-to-clear-pathways-for-peace/>

Examples of NGOs working on gender justice

Timor-Leste

Women's rights NGOs proactively engaged with the truth commission, CAVR (2002-2005). For background see Chega! final report of the CAVR.

<https://centrochega.gov.tl/downloads/#chegareport>

Women's rights focused NGO ACbit on 13 years of follow up to CAVR for gender justice (multiple reports)

<https://chegabaita.org/>

Cambodia

2011-13 NGO-led initiative for women's truth telling hearings, especially to reveal the extent and nature of sexual and other gender-based violence during the Khmer Rouge period. See Transitional Justice Through the Cambodian Women's Hearings, Beini Ye. *The Cambodia Law and Policy Journal*. Vol. 3 December 2014.

<https://cambodia.lpj.org/article/transitional-justice-through-the-cambodian-womens-hearings/>

2007-2019: ECCC: On the early role of NGOs in victim support work for ECCC trials, and NGOs key role to pushing the ECCC to better address hidden or ignored crimes of sexual violence. See "The evolution of Cambodian civil society's involvement with victim participation at the Khmer Rouge trials." Christoph Sperfeldt and Jeudy Oeung. *Civil Society and Transitional Justice in Asia and the Pacific*, edited by Lia Kent, Joanne Wallis and Claire Cronin, published 2019 by ANU Press, The Australian National University, Canberra, Australia. <https://press-files.anu.edu.au/downloads/press/n6044/pdf/cho4.pdf>

Myanmar/Bangladesh since 2017

Transitional justice NGOs with UN humanitarian partners have worked with Rohingya refugee women and girl victim-survivors of SGBV. See for example, *Quilt of Memory and Hope*. AJAR and Bangladesh Liberation War Museum participatory action research report based on work for more than 80 Rohingya women survivors.

<https://asia-ajar.org/survivor-story/quilt-of-memory-and-hope/>

Indonesia/Papua 2010-ongoing

NGO partnership on Indigenous women truth telling. Multiple reports, see for example: AJAR Report: "I am Here: Voices of Papuan Women in the Face of Unrelenting Violence", compiling participatory action research from 2013-2018 with more than 170 women survivors. 2019.

<https://asia-ajar.org/2019/04/03/i-am-here-report/>

See also, *All the Birds are Gone: Indigenous Women Speak Out Against Forest Loss in Papua*. Asia Justice and Rights (AJAR) working together with the Women's Advocacy Institute (eL AdPPer), The Justice, Peace, and Integrity of Creation Section of the Evangelical Christian Church of Papua (KPKC GKITP), The Institute for Human Rights Studies and Advocacy Papua (Elsham Papua) and the Kaki Abu Legal Aid Institute (LBH Kaki Abu). March 2021. https://asia-ajar.org/wp-content/uploads/2021/03/ABAG_FINAL_compressed.pdf

Indonesia, Aceh 2015

Indonesia's National Commission on Violence Against Women (Komnas Perempuan) worked with civil society organisations to co-publish a report documenting the stories of 60 women victim-survivors of violence from across Indonesia including Acehese women. *Comparative Research on Gender and Reparations in South-East Asia: Aceh, Indonesia*. AJAR. 2022.

<https://asia-ajar.org/resources/policy-papers/case-study-gender-reparations-in-aceh-indonesia/>