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Gender, Justice, and Truth Commissions

June 2006

Co-sponsored by the PREM Gender and Development Group (PRMGE), the Conflict Prevention and Reconstruction Team (SDV), Legal and Judicial Reform Practice Group (LEGJR), and LAC Public Sector Group (LCSPS), World Bank



THE WORLD BANK

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Table of Contents

Foreword	v
Acknowledgments	vi
Acronyms and Abbreviations	vii
Executive Summary	ix
Introduction	1
• The Gender Dimensions of Conflict	1
• Truth Commissions	3
• The Importance of the Study for the World Bank	5
• Study Objective	5
• Methodology and Data Sources	5
Truth Commissions	6
• Origin and Nature of Truth Commissions	6
• Common Characteristics of Truth Commissions	7
Gender and Truth Commissions	9
Case Studies	11
• The South African Truth and Reconciliation Commission	11
• The Peruvian Truth and Reconciliation Commission	13
• The Sierra Leone Truth and Reconciliation Commission	16
• The Three Cases: Some Comparisons	18
• Comments	21
Findings and Conclusions	23
• Key Findings	23
• Importance of Truth Commissions for International Development Agencies and Donors	24
• Relevance of the Work of Truth Commissions for the World Bank's Work	24
• Participation of the World Bank in the Implementation of Recommendations Concerning Judicial Reform and Access to Justice	28
• Conclusions	29

Annex 1: Literature Review	32
Annex 2: Web-based Resources	46
Annex 3a: Questionnaire for Interviews with World Bank Staff	47
Annex 3b: Questionnaire for Expert Interviews	48
Annex 4: List of Experts	49
References	54
Endnotes	57

Foreword

Supporting reconstruction efforts has been a part of the Bank's historical mandate. The Bank's first loans were made to assist West European countries devastated by World War II, lending almost \$500 million to support Europe's Post-War reconstruction. Since then, the Bank's mandate has evolved into a broader overriding mission of poverty reduction. However, conflict is now a growing reality in many of the Bank's client countries, and in line with evolving international practices, the Bank has delineated its role to not just address post-conflict reconstruction but also integrate an awareness of the development consequences of conflict throughout Bank's strategies and activities. The Bank's Operational Policy for Development Cooperation and Conflict (OP/BP 2.30) states that "the Bank recognizes that economic and social stability and human security are pre-conditions for sustainable development. Violent conflict, within or between countries, results in loss of life and destruction of assets, contributes to social and economic disintegration, and reverses the gains of development, thereby adversely affecting the Bank's core mission of poverty reduction." This policy sets the context and a flexible framework for the Bank's work in countries affected by conflict.

Recognizing the differences between women's and men's experience during the immediate post-conflict or transitional period, and consequently including the particular needs and abilities of women and men in post-conflict reconstruction, is fundamental to create lasting peace and foster equitable development. The World Bank endeavors to better understand both gender and conflict dimensions in its work. This heightened focus stems from a three-fold concern on the part of Bank staff: (i) a need to identify and disseminate lessons useful to advance the Bank's work on governance, peace, and social reconstruction through a focus on the gender dimensions of conflict prevention, reconstruction, and gender-based violence; (ii) an emphasis on analyzing and addressing the special needs of women and girls during repatriation and resettlement, rehabilitation, reintegration, and post-conflict reconstruction; and (iii) an on-going interest in addressing the institutional and other developmental issues relating to the silence around gender issues and gender-based violence.

In this sense, the work of Truth Commissions has important relevance and implications for the Bank's work. For example, the report of the Peruvian Truth Commission, which included a chapter on gender analysis, contained several recommendations that were integrated in the Progress Report for the Country Assistance Strategy (CAS) for Peru. These recommendations form an important part of two operations: the *Justice Services Improvement Project*, a Bank-financed loan, and the *Civil Society and Rule of Law Project*, a Japan Social Development Fund (JSDF) grant.

This report is an initial response to a need and interest in the importance and relevance of the work of Truth Commissions for the Bank and as such, is an important contribution to furthering the ongoing dialogue on gender and post-conflict reconstruction.

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Up Project; Louise Ludlam-Taylor, a researcher for truth commissions in South Africa and Sierra Leone; Yasmin Sooka, former commissioner of the South Africa and Sierra Leone truth commissions; Sofia Macher, former commissioner of Peru's truth commission and a member of the Instituto de Defensa Legal (IDL) in Peru; Carlos Rivera, a lawyer at IDL who handled cases of sexual violence during armed conflict; Javier La Rosa, lawyer, Justice Program, IDL; Julie Guillerot, former officer of the reparations program of the Peruvian truth commission; Ivonne Macassi, Flora Tristan, and Flor Valdes of Estudio para la Defensa y Los Derechos de la Mujer (DEMUS) in Peru; Jimena Cayo, judge, superior court of Lima; Jaime Urrutia, executive secretary of the Multisectoral Commission on Public Actions and Policies on Peace, Collective Reparation, and Reconciliation in Peru; Gisella Vignolo, a human rights deputy, and Pier Paolo Marzo, a lawyer, in the human rights office of the Peruvian ombudsman; Ana Palomino of the Program for Development of Native Communities in the human rights office of the Peruvian ombudsman; and Hugo Rivas and Cecilia Reynoso, both of whom work on the Plan for Protection and Promotion of Population affected by Political Violence (PPPPAVP) in the human rights office of the Peruvian ombudsman.

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Acronyms and Abbreviations

AECI	Spanish International Cooperation Agency
AFRC	Armed Forces Revolutionary Council (Sierra Leone)
ANC	African National Congress
AWID	American Women in Development
CAS	Country Assistance Strategy
CEJA	Centro de Estudios de Justicia de las Américas (Chile)
CGA	Country Gender Assessment (World Bank)
CGRS	Center for Gender and Refugee Studies
COMISEDH	Comisión de Derechos Humanos (Peru)
CPRU	Conflict Prevention and Reconstruction Unit (World Bank)
DFID	Department for International Development (United Kingdom)
ECOWAS	Economic Community of West African States
ESSD	Environmental and Socially Sustainable Development (World Bank)
GTZ	(German) Gesellschaft für Technische Zusammenarbeit
ICC	International Criminal Court
ICRW	International Center for Research on Women
ICTJ	International Centre for Transitional Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for Former Yugoslavia
IDL	Institute of Legal Defense (Peru)
IDRC	International Development Research Centre
ILAC	International Legal Assistance Consortium
ISN	Interim Strategy Note (World Bank)
JSDF	Japan Social Development Fund
LCSPS	LAC Public Sector Group (World Bank)
LEGJR	Legal and Judicial Reform Practice Group (World Bank)
MRTA	Movimiento Revolucionario Tupac Amaru
NGO	Nongovernmental organization
OP/BP	Operational Policy/Business (World Bank)
PIR	Integral Plan for Reparations (Peru)
PREM	Poverty Reduction and Economic Management (World Bank)
PRMGE	Gender and Development Group (World Bank)
RUF	Revolutionary United Front (Sierra Leone)

SC	Special court (Sierra Leone)
SDV	Conflict Prevention and Reconstruction Team (World Bank)
Sida	Swedish Agency for International Cooperation
TC	Truth commission
TRC	Truth and reconciliation commission
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development
USIP	United States Institute of Peace
WILPF	Women's International League for Peace and Freedom

Executive Summary

Truth commissions (TCs) are formed to investigate human rights violations that occur during armed conflict or under repressive regimes. When their work ends, TCs report their findings, along with recommendations for reparations and prevention of future abuses.

By taking a gender-sensitive approach to its work, a commission can differentiate between the causes and consequences of human rights violations for men and women and design a gender-sensitive program of reparations. A gender-sensitive approach also serves to reveal that women's experience of conflict, violence, and repression has typically been ignored in favor of male views and needs. Topics often dealt with by gender-sensitive exercises in truth and reconciliation include the recomposition of families from which the father/husband has disappeared, and the reestablishment of men's and women's roles when the conflict ends. A gender perspective in a TC's report can help bring about changes in existing laws and patterns of behavior that have contributed to inequality and discrimination. However, incorporating a gender approach to a TC's work is relatively new. There is scant literature on the matter and few experiences around the world.

Objectives of the Study

This study reviewed the gender-related aspects of the work of TCs in Peru, Sierra Leone, and South Africa, as expressed in their daily work, in the drafting of the commission's mandate, in the participation of civil society institutions, and in the preparation of the final report. The three country experiences were selected as informative examples.

Following a description of the experiences in the three countries, this study focuses on the Peruvian case to illustrate how the formal and informal justice systems¹ have responded to the gender-relevant findings of the TC. The study also provides general suggestions for the consideration of World Bank staff, particularly in the incorporation of gender issues into the Bank's postconflict interventions in relevant sectors. Finally, the study reviews some basic indicators of progress and impact in Bank-financed interventions in postconflict and transitional settings.

Case Studies

All three case studies included a gender analysis or a special emphasis on women's human rights. They show that incorporating gender-sensitive approaches into the work of the TC not only aids in making effective reparations for victims of human rights abuses, but also helps prevent future conflicts. In all three cases, women's and men's voices and stories were included as part of the truth recovery process. The TC reports show that the subordination and discrimination that affect women daily were factors during the armed conflict, impeding women's access to justice and reparation. They also point out the relationship between women's economic activities and strategies developed during the conflict for the survival of their families and relatives.

The study shows the circumstances under which the selected TCs worked, explaining how and why they included a gender approach or a focus on the violation of women's human rights. Although the former is broader than the latter, TCs often have had to deal with a lack of resources, precedents, and expertise on gender, which made their work very difficult. Such constraints often forced TCs to concentrate on certain aspects of the gender analysis to the exclusion of others.

The South Africa case set an important precedent in the incorporation of a gender perspective in a TC. Thanks to the participation of nongovernmental organizations (NGOs) and academics, the TC organized public hearings at which women were invited to tell their stories and express their demands for justice and reconciliation.

The Peruvian case set another precedent by establishing a gender unit inside the commission to ensure the incorporation of a gender perspective in the daily work of the TC. The TC's final report included a gender analysis of the conflict as well as a specific chapter on sexual violence as a crime. The Peruvian report also included proposals for reparation and reconciliation that took gender into consideration.

Finally, the Sierra Leonean Truth and Reconciliation Commission was assisted by the United Nations Development Fund for Women (UNIFEM), which provided technical advice, training, and other support for the TC staff, especially for the women

victims. As a result, many women broke their silence, and the TC's final report was able to highlight cases of gender violence.

Although it cannot be said that any of these TCs developed a complete gender analysis, they represent important efforts. With more resources, a previous debate on the subject, and the support of international actors, it would have been possible for the cases studied to develop a more complete gender analysis. As more postconflict societies employ the proposals of TCs in the drafting of new constitutions, reforms dealing with constitutional and criminal law issues, access to public education, and improvement of health services for victims and their relatives, the work of TCs present opportunities for improving the situation of women.

Importance of the Study for the World Bank

Recognizing the differences between women's and men's experience during and after civil conflict, the World Bank is attempting to better understand the gender dimensions of its work. This heightened focus stems from a three-fold concern on the part of Bank staff: (i) an ongoing interest in addressing the institutional and other developmental issues relating

to the silence around gender inequality and gender-based violence; (ii) an emphasis on analyzing and addressing the special needs of women and girls during repatriation, resettlement, rehabilitation, reintegration, and postconflict reconstruction; and (iii) a need to identify and disseminate lessons relevant to the Bank's work on governance, peace, and social reconstruction through a focus on the gender dimensions of conflict prevention, reconstruction, and gender-based violence.

The work of TCs has important relevance and implications for the Bank's work. The report of the Peruvian Truth and Reconciliation Commission, which included a chapter on sexual violence and gender analysis, contained several recommendations that were included in the progress report for the Country Assistance Strategy (CAS) for Peru and that form an important part of two operations: the *Justice Services Improvement Project*, a Bank-financed loan, and the *Civil Society and Rule of Law Project*, a grant from the Japan Social Development Fund (JSDF) grant. Discussions among the several World Bank units working on governance, postconflict reconstruction, and the legal, gender, and social dimensions of development have highlighted the need to explore the role of gender mainstreaming within TCs to better inform the Bank's work.

Introduction

The Gender Dimensions of Conflict

As a variable for analysis and assessment, gender ultimately is a means of shedding light and giving nuance, and perhaps even a human face, to the people affected by violence and conflict. By recognizing their humanity, needs, and capacities, a gender focus provides a better understanding of the ways in which social, political, economic, and security factors interact to affect people's lives. Gender can also provide entry points for developing interventions and initiatives that take an integrated approach to the complex matter of postconflict reconstruction. For example, in transitional justice processes, a standard approach is to focus on judicial and legal reforms or on security issues. Adding a gendered analysis of transitional justice highlights the possibility of providing interventions that extend justice from the legal environment, which is often highly politicized, into the realm of development, where access to education, health care, and employment usually is integral to the sustainability of reconstruction efforts.

Conflicts, civil wars, and crises affect men and women differently. Women focus on survival, searching for and providing food and shelter for children, the sick, and the elderly. They also are vulnerable to physical assault and displacement. Men are recruited for fighting and are thus separated from their communities. When male combatants are killed, women are left to shoulder the full burden of providing for children and extended families. Like other crises, violent conflict overturns many social norms and structures. This has a direct impact on the roles and responsibilities of men and women—that is, on *gender roles* in society.

As refugees and members of displaced populations, men often have a difficult time adjusting to new realities, having lost their status and social or professional identities. The experience can cause deep

trauma and depression, with repercussions on their wives and other family members. The sense of humiliation, at times perceived as emasculation, that some men feel when attacked or obliged to live under repressive rule can manifest itself through domestic violence and the need to assert control in the domestic sphere. For women, conflict and crisis, while creating much suffering, also often creates new opportunities for participation in the public domain. Women's skills in protecting their families and the experience they gain in uniting to survive and provide care for their families make them essential participants in building peace once conflicts have passed.

Men, particularly younger men, often are considered to be security risks and may therefore have limited freedom of movement during conflict, often making it difficult for them to hold their jobs or otherwise gain their livelihood. Women are less likely to be seen as threatening. Their ability to move, work, and meet, even across the dividing lines of conflict (across ethnic, religious, or political lines, for example), increases their burdens—but it is also empowering. In times of conflict women take on new tasks and can be creative in their use of traditional identities. For example, they often draw on their identities as mothers, wives, or sisters to make demands, seek out information, or press for accountability on behalf of their missing children, husbands, or siblings.

From the standpoint of international peace building and reconstruction, the ways in which conflict changes men's and women's roles, needs, and capacities must be taken into account to ensure successful and sustainable interventions. Failure to attend to these dynamics can squander indigenous social capital and even contribute to the reappearance of the circumstances that led to the conflict, as demonstrated by a 2005 World Bank study on postwar Liberia (Richards and others 2005). There, traditional marital practices, including polygamy

practiced by tribal chiefs and “big men,” contributed to the marginalization of young men, inclining them toward rebel groups and guerrilla movements.

Gender matters in crises and conflicts

- **Men and women react differently to conflict.** They have different needs, different skills, and different ways of coping and surviving.
- **Gender roles change during conflict.** Men and women take on new tasks and enter new spaces.
- **Power dynamics can also change.** Control over resources and decision making can shift. Following conflict, there may be a backlash from those formerly in control.
- **Following conflict, men and women bring different perspectives, concerns, and solutions to the table** based on their experience and spheres of control or influence.
- **New actors emerge, typically at the community or civil society levels.** New people become active in recovery and peace building. Investing in new actors can be an effective means of building social capital and ensuring sustainability for interventions.

Impoverished young men, says the report, had difficulty paying the sums demanded by tribal leaders for brides. The “big men” allowed or encouraged their many young wives to sleep around, and pursued damages against young man caught in the trap. Court fines were often commuted to labor service in such cases (Richards and others 2005: 17–18). In effect the young men became indentured laborers with little chance of ever accumulating their own wealth and saving enough to pay for a bride, own land, and become a real man in the eyes of the society. Perpetually oppressed by the traditional chieftaincies, it is not surprising that many young men joined rebel movements that preached the rhetoric of equality and the promise of manhood.

Demands by women’s rights activists for a ban on polygamy and on the payment of bride wealth, which effectively make a woman hostage to her husband, often are perceived as “women’s issues.” Yet as the World Bank study reveals, these heavily gendered issues can fuel generalized conflict. If addressed, they can contribute to breaking the cycle of poverty, exclusion, and violence in which young men, too, are trapped.

Many policy makers and development practitioners appear to believe that the level of detail represented in the World Bank study detracts from the larger and already difficult business of peace building and reconstruction. As experts grapple with the

challenges emerging during the fragile transition period following conflict, there is a tendency to sideline the issue of gender as being of secondary importance. Attention to gender issues, or the gendered analysis of the overall context, is usually missing or, at best, ad hoc. Gender issues are rarely considered systematically (DAC 1997; Date-Bah 1996).

When an attempt is made to introduce “the gender dimension,” it is often as an afterthought, limited in scope, and heavily focused on issues relating to women only. The conflation of the terms women and gender is itself a matter of concern. But the notion of gender being a last minute add-on is even more problematic. Gender perspectives shed light on factors and issues that usually have major implications on all aspects of the work being undertaken, from the substance of the conflict to the processes developed.

Examples from transitional justice processes around the world attest to the explanatory and reconstructive power of gender analysis—and to the danger of their neglect. Consider the case of Peru’s truth and reconciliation commission. The commission considered the victims as “the disappeared.” The crimes involved in their disappearance were kidnapping, torture, and murder. Those issues pose major challenges that determine the resources needed for the commission, the type of experts and expertise needed to investigate, and the procedures to be used to handle witnesses and treat survivors, among other implications.

When a gender perspective is added, the effect is much greater than simply taking account of the fact that some victims were women who were raped prior to disappearing. The situation is far more complex. In many instances the female relatives of the disappeared set out to look for them. In turn they—mothers, sisters, wives—were subjected to violence and crime. Thus the gender perspective not only widens the class of potential victims but introduces new crimes to be investigated. Those revelations, in turn, have an impact on the resources needed by the commission, the type of experts and expertise required, the (differential) approaches appropriate for taking testimony, the array of services for victims, and so forth.

While the gender perspective broadens the scope of crimes to be investigated, it can also expand the sources of information on abuses, thereby aiding the institutions charged with investigating crimes. Often women are directly involved in the documentation of abuses of their own relatives, as well as of others.

Across Latin America, Africa, and Asia, indigenous nongovernmental organizations (NGOs), usually led by women, gather significant data that can be used in tribunals and for investigative purposes. The International Criminal Tribunal for the Former Yugoslavia (ICTY) noted that women often witnessed more crimes than men, because men usually were blindfolded whereas women were not. Thus they literally saw more and could say more about the plight of the missing. In addition, informal communication among women meant that they had more knowledge and information.

The gender lens also can shed new light on the experience of male victims and on men's experiences more widely. The trauma that men experience in conflict, and the social pressures that induce them to withhold emotions, can have caused tremendous emotional damage and provoke a convulsive backlash. In South Africa, for example, anecdotal evidence suggests that white Afrikaner men whose identity, sense of manhood, and dignity was largely derived through the state, suffered from depression and marginalization when apartheid fell. The challenge of any transitional justice process must be to enable all parties to return to civilian life, while addressing the trauma they experienced.

This broadening of the scope of the "whole truth" has serious implications for the recommendations that emerge from truth commissions, particularly with regard to reparations. In Bosnia, the Democratic Republic of the Congo, and Sierra Leone, where rape and forced impregnation were a pervasive form of attack, the transitional justice process must take account not only of the needs of the direct victims (the mothers), but also of the indirect victims (their rape babies). Recovery and long-term development programs must provide for these victims to enable them to live in dignity, free of discrimination. If they do not, the omission will contribute to the emergence of yet another generation of marginalized youth. Victims of physical attack—men, women, boys, and girls—who are now maimed for life need justice in the form of health care, welfare payments, and opportunities to gain education and skills, to allow them to move beyond their victimhood toward dignity and self-sufficiency.

Gender analysis improves understanding of what motivates men and women to act as they do. By describing how men and women are differentially affected by conflict, it shows what they need to function more effectively. Thus it helps to ensure more effective targeting of interventions and better outcomes and impact from development initiatives. In

other words, gender analysis is good programming practice.

Truth Commissions

Across the world, more than 20 truth commissions (TCs)² have been formed to investigate and report on human rights violations that have occurred during armed conflict or under dictatorial or repressive regimes. Truth, justice, reparation, and reconciliation are persistent demands from victims of human rights violations. New democratic governments and post-conflict regimes are faced with finding acceptable answers to these demands. While each TC has specific objectives, the general purpose of a TC is to help a country to confront its past and to prevent abuses from occurring again. TCs are instruments of transitional justice, that is, short-term, temporary judicial and nonjudicial mechanisms and processes that address the legacy of human rights abuses and violence during a society's transition away from conflict or authoritarian rule (Women Waging Peace 2004).

When their work ends, TCs report their findings and recommendations for reparation and prevention of future abuses. Reports validate the experiences of victims, propose ways to repair the harm they have suffered, and prevent perpetrators from remaining in government service or avoiding accountability. TC reports pave the way for the start of a second stage—that of making reparations and carrying out institutional reforms to prevent future abuses.

Importance of a gender perspective in a truth commission

Incorporating a gender approach within a human rights investigation and, more specifically, within a TC's work is still a new process. There is scant literature on the matter and few experiences. One explanation could be lack of recognition of gender as a valid aspect of human rights investigations at the international level, of women's rights as human rights, and of gender violence as violence.³

TCs are becoming increasingly common (Hayner 2001: 14–15). TCs' reform proposals deal with constitutional and criminal law, access to public education, and improvement of health services for victims and their relatives, among other aspects. They are included in the drafting of constitutions and in the establishment of government standards. As such, they offer opportunities to eradicate discrimination that impedes the full development of societies.⁴ Release of the TC's final report may be followed by new trials,

since justice and the fight against impunity are the basis of a real reconciliation. For these reasons, TCs that try to incorporate a gender analysis in their work should be studied and better understood.

By taking a gender-sensitive approach to its work, a commission can differentiate between the causes and consequences of human rights violations for men and women and design a gender-sensitive program of reparations. A gender perspective in a TC's report can help bring about changes in existing laws and patterns of behavior that have contributed to inequality and discrimination. A gender perspective can also promote understanding that women's experiences of conflict, violence, and repression have typically been ignored in favor of males' views. The invisibility of women as victims of, and as active participants in, armed conflict contributes to their overall invisibility in the process of peace negotiation and conflict prevention. In fact, such negotiations have been traditionally identified as male domains, employing discourses and practices that are closer to men's reality than to women's. As a consequence, women also lack direct influence in the identification of the reconstruction priorities that are usually part of a peace agreement (Sorensen 2002). According to the United Nations, women have an important role in the prevention and resolution of conflicts and in the peace-building process, and their full and equal participation in the maintenance and promotion of peace and security should be emphasized.⁵

In sum, the incorporation of a gender perspective in the work of TCs discredits the gender-blind belief that women and men are affected by a conflict in similar ways and with similar consequences.

So far, most TCs have offered proposals for reparation for victims and reconciliation of societies without a gender perspective. This omission may prevent real reconciliation. In fact, the failure to recognize gender issues may produce new social tensions and contribute to the struggles over identity, status, and power that are typical of societies that have recently achieved peace (Sorensen 2002). On the other hand, impunity for sexual atrocities committed exclusively or disproportionately against women and girls during armed conflicts incites additional violence and violations and endangers whole communities or groups (Askin 2003).

Truth commissions that have incorporated a gender approach

Some TCs have included a gender analysis or a special preoccupation for women's human rights in

their work, demonstrating that gender-sensitive approaches can have important consequences not only for reparations of victims of human rights abuses, but also for the prevention of future conflicts.⁶ Those cases, in which women's and men's voices and stories were collected and included as part of the truth recovery process, show that the subordination and discrimination that affect women daily were also factors during the armed conflict or repression, impeding access to justice and reparation. These cases make it possible to study the relationship between women's economic activities and the strategies they develop during the conflict or the repressive regime to ensure the survival of their families and relatives. Such strategies have an impact on women's roles and position in their societies and on the development of social organizations and movements (Sorensen 2002).

This study explores the circumstances under which such TCs have worked, explaining how and why they included a gender approach or a focus on women's human rights violations. The former is broader than the latter. However, in many cases, TCs had to deal with a lack of resources, precedents, and expertise on gender, which made their work very difficult and forced them to focus only on certain aspects of the gender analysis.

The South Africa case set an important precedent in the incorporation of a gender perspective in a TC. Thanks to the participation of nongovernmental organizations (NGOs) and academics, the TC organized public hearings in which women were invited to tell their stories and express their demands for justice and reconciliation. The commission's final report included a gender-sensitive analysis of those testimonies.⁷

The Peruvian case set another precedent by establishing a gender unit inside the commission to ensure the incorporation of a gender perspective in the daily work of the TC.⁸ The TC's final report included a gender analysis of the conflict as well as a specific chapter on sexual violence as a crime. The Peruvian report also included proposals for reparation and reconciliation that took gender into consideration.

The Sierra Leonean Truth and Reconciliation Commission, the most recent of the three under study here, was assisted by the United Nations Development Fund for Women (UNIFEM), which provided technical advice, training, and other support for the TC staff, especially for the women victims.⁹ As a result, many women broke their silence, and the TC's final report was able to highlight cases of gender violence.

The Importance of the Study for the World Bank

Recognizing the differences between women's and men's experience during and after civil conflict, the World Bank is attempting to better understand the gender dimensions of its work. This heightened focus stems from a three-fold concern on the part of Bank staff: (i) an ongoing interest in addressing the institutional and other developmental issues relating to the silence around gender inequality and gender-based violence; (ii) an emphasis on analyzing and addressing the special needs of women and girls during repatriation, resettlement, rehabilitation, reintegration, and postconflict reconstruction; and (iii) a need to identify and disseminate lessons relevant to the Bank's work on governance, peace, and social reconstruction through a focus on the gender dimensions of conflict prevention, reconstruction, and gender-based violence.

The work of TCs has important relevance and implications for the Bank's work. The report of the Peruvian Truth and Reconciliation Commission, which included a chapter on sexual violence and gender analysis, contained several recommendations that were included in the progress report for the Country Assistance Strategy (CAS) for Peru and that form an important part of two operations: the *Justice Services Improvement Project*, a Bank-financed loan, and the *Civil Society and Rule of Law Project*, a grant from the Japan Social Development Fund (JSDF). Discussions among the several World Bank units working on governance, postconflict reconstruction, and the legal, gender, and social dimensions of development have highlighted the need to explore the role of gender mainstreaming within TCs to better inform the Bank's work.

Study Objective

The importance of incorporating a gender perspective in TCs becomes clear through the study of several examples. Based on the criteria outlined below, the study focuses on three different experiences: those of Peru, South Africa, and Sierra Leone.

The study reviews the gender aspects of the work of the selected TCs, as expressed in the drafting of the commission's mandate, in the appointment of

commissioners and staff, in their daily work, in the participation of civil society institutions, and in the preparation of the final report. The study also examines practices and lessons learned from the work of other donor agencies in addressing gender issues in postconflict countries and transitional societies (that is, societies moving from one form of governance to another), and examines their support for TCs, specifically in the implementation of reparations programs and legislative and judicial changes.

Following a description of the experiences in three countries, this study also provides a brief review of how the formal and informal justice systems (judiciary, attorney general's offices, customary courts, among others) have generally responded to the gender-relevant findings of a TC, particularly in the Peruvian case. The study also provides general suggestions for the consideration of World Bank staff, particularly in the incorporation of gender issues into the Bank's postconflict interventions in relevant sectors. Finally, the study reviews some basic indicators of progress and impact in Bank-financed interventions in postconflict and transitional settings.

Methodology and Data Sources

The following methodology was used in preparing the report:

- Interviews with experts and practitioners associated with the identified TC or the World Bank. The objective of the interviews was to obtain information on the process of incorporating a gender perspective in the TC and to solicit impressions about the real impact of the TC's gender-related recommendations in the postconflict stage.
- Review of relevant World Bank documents and publications, including projects or grants.
- Review of World Bank Web site and external Web sites with the objective of identifying the possible benefit of the study to the activities and objectives of the Bank.
- Review of other relevant Web sites.
- The principal sources of data were the final reports of the TCs studied as well as international reports and documents related to the main issues involved.

Truth Commissions

TCs have been established around the world as mechanisms of transitional justice. The objective of transitional justice is to confront legacies of abuse in a broad manner, for the purpose of ensuring accountability for past crimes and preventing new ones. The notion of transitional justice recognizes that the demand for criminal justice is not absolute but must be balanced with the need for peace, democracy, equitable development, the rule of law, and the need for reconciliation. In general, transitional justice involves several main mechanisms: trials; fact-finding bodies, such as truth commissions; reparations—compensatory, symbolic, restitutive, or rehabilitative; and judicial reforms. Other related topics are amnesty, corruption, disarmament, and reconciliation (Freeman 2004). The goals of transitional justice include addressing, and attempting to heal, divisions in society that arise as a result of human rights violations; closing and healing the wounds of individuals and society, particularly through “truth telling”; providing legal redress for victims and holding perpetrators accountable; creating an accurate historical record for society; restoring the rule of law; reforming institutions to promote democratization and human rights; ensuring that human rights violations are not repeated; and promoting coexistence and sustainable peace (Anderlini, Conaway, and Kays 2004).

Among the mechanisms of transitional justice, the nonjudicial, truth-seeking measures are often established as truth commissions—official inquiries into patterns of past abuse that seek to establish an accurate historical record of state or nonstate abuses that otherwise might be denied, hidden, or misunderstood (Anderlini, Conaway, and Kays 2004).

Some of these mechanisms have been known as “truth and reconciliation commissions” as a way to emphasize the pursuit of reconciliation among the societies involved.¹⁰

Origin and Nature of Truth Commissions

TCs typically are created to investigate facts, ascertain causes, and determine responsibilities (Valdez 2001). They investigate acts committed during a period of armed conflict or under a dictatorial regime but are part of a transitional process and do not replace the national prosecutor’s office or the judicial branch (Hayner 2001).

TCs highlight the root causes of the conflict or the repressive regime and the institutions involved; document human rights abuses and violations; allow a space for victims to share their stories; officially recognize and condemn wrongdoings; and make recommendations to prevent future violence, reform institutions, and enhance justice, accountability and respect for human rights (Women Waging Peace 2004). Through their research, TCs help the government acknowledge the true scope and dimension of recent history and lay the groundwork for the investigation and punishment of wrongdoers. TCs also are part of a social process of reconciliation that helps people mourn, both individually and collectively (Schey, Shelton, and Roth-Arriaza 1997: 333–34).

TCs may be defined as nonjudicial organs of investigation, the objective of which is to help societies come to terms with grave violations of human rights suffered during periods of armed

conflict or under a repressive regime (Cuya 2001). In these situations only a comprehensive, global description of what occurred will be meaningful (Hayner 1996: 177). Even where national courts have limitations in dealing with situations of political transition, TCs, as extraordinary bodies, may have the independence to investigate the larger patterns of atrocity (Villa-Vicencio 2000, citing Martha Minow). Moreover, TCs play important roles in a country's transition, since they are created as official institutions with important powers of access to government information and documentation. Ultimately, however, their success depends on the political will of the new government to enforce their recommendations (Hayner 1996: 175).

Some critics have asked whether TCs are the best way to deal with massive human rights violations or to promote genuine reconciliation, especially since their creation and work are typically resisted by the perpetrators. The risk of raising victims' expectations (for retribution or reparations) is another common argument against TCs.¹¹

However, TCs have shown their importance in establishing records of human rights abuses that can contribute to criminal prosecutions (Schlunk 1998). Moreover, TCs' reports supply evaluations of the political, economic, and social situation of each country after the armed conflict or repressive episode; these may be vital for the design of new public policies and development projects.

Common Characteristics of Truth Commissions

Although there is no universal model for a TC, some basic features are common (Hayner 1996: 174). The first is attention to the *participation* of victims, NGOs, and the general population in the debate that precedes the establishment of a TC. Links with these groups should be maintained during the work of the TC in order to obtain feedback and secure support for the implementation of the recommendations. Relations with women's organizations should be addressed, because they may have important expertise on gender. Moreover, they may have developed bonds with female victims of violence and other human rights abuses whose testimony will be needed during the TC's work. On the other hand, it is also

important that TCs get support from the government, without affecting the independence of their research.

A second important aspect is the TC's *mandate*, which determines its duration, main powers, and the range of abuses and crimes to be investigated. In general, the mandate should be clear but flexible enough to allow the TC to develop its investigations based on the information it obtains (Hayner 1996: 179). The mandate should expressly include gender-related crimes. The TC's functions and powers should be clearly defined so as to avoid raising false expectations among victims and their families (who may well hope that their testimony will result in particular sanctions, such as jail terms, for perpetrators).

TCs do not have the power of prosecution, although nothing generally prevents their findings from being used in subsequent judicial investigations.¹² Where the TC documents do address sexual violence, the situation can be especially difficult since domestic laws may not always adequately address the needs and expectations of victims.

The *composition* of the TC must be carefully considered. Usually, commissioners are selected from among well-respected members of society. Sometimes, foreigners have been appointed as commissioners. In many cases, representatives of NGOs collaborate with the TC, helping to compile data and prepare reports. Survivors and relatives of the victims also should be part of the TC, as well as people from all regions of the country. The TC's staff usually consists not only of lawyers but also anthropologists, archaeologists, social psychologists, and journalists, as a way to understand the phenomena behind human rights violations. Foreign experts with previous experience in similar institutions are often invited to collaborate. Gender equality must be a criterion for the composition of the TC. Although gender parity does not guarantee gender perspective, it implies recognition of the different voices and perspectives of men and women.

In order to complete its task, the TC must have enough *resources*, which may be provided by the government or international organizations and donors (Brahm 2004). In some cases, special funding has been set up to ensure that the TC's work deals with gender issues. For instance, the United Nations'

Office of the High Commissioner of Human Rights supported the gender-related work of Peru's TC.

Concerning their *methodology*, TCs collect evidence from a variety of sources, including official sources, although in many cases official information is destroyed before the TC can begin its work.

Victims, witnesses, and perpetrators, through their testimony, provide the most important information. Victims often give their testimony in private interviews or depositions, but some TCs have organized public hearings. In such cases, a program to protect witnesses must be established, since the risk of reprisals by perpetrators is ever present. The TCs in Peru, Sierra Leone, and South Africa all organized special hearings for women. These hearings allowed women to talk about their experiences, expectations, and needs.

After their work, TCs publish a *final report*. The reports of the cases studied here included special chapters related to women and their situation during the period of human rights abuses. Final reports also include proposals for reparations for victims and

reforms of the judicial branch, the military, the police, among other institutions. In general, reparations programs have lacked a gender perspective in their design and implementation.

The TC report should be widely disseminated and promoted in public events with the participation of victims and their families, with the twin objective of making known the truth and generating support for the implementation of the TC's proposals.

Amnesty for the perpetrators of human rights abuses constitutes a special challenge for TCs. South Africa's commission was authorized to grant amnesty in exchange for testimony as a way to promote reconciliation and to promote cooperation with the TC.¹³ The primary goal of the amnesty process was to establish the truth, particularly regarding the motives of the perpetrators, and to deter future violence. Even in the notable absence of formal punishment, the amnesty process was designed to establish the accountability of perpetrators for their crimes.¹⁴ As a result of the work of women's activists and academics in South Africa, rape was not considered among the crimes that could be subject to amnesty.

Gender and Truth Commissions

Adding a gender perspective to the work of a TC can be a slow and uncertain process because it has not been done very often and because gender is not yet widely recognized as a valid aspect of human rights investigations at the international level. The same could be said of the slow recognition of women's rights as human rights and of violence against women as a crime.¹⁵

Misunderstandings surrounding the concept of gender impede the effective incorporation of gender perspectives in TCs' work. In many cases, because "gender" is often understood as a synonym for "women," adding women to the TC staff or creating a "women office" inside the TC is considered as a "gender measure."

Similarly, the "gender dimension" is often interpreted to mean the "women's dimension." As a consequence, only women are appointed to deal with those issues. This has important consequences, for example, in the analysis of the causes or armed conflict: because women are not seen as agitators or general protagonists in promoting violence, gender as a variable for analysis is ignored or considered a secondary matter (Anderlini 2006: 3).

Where women are dealt with specifically, it tends to be as victims of sexual violence, even though women have other roles in the social experience of, and response to, armed conflicts or repressive regimes—consider, for example, their presence in the civil organizations that confront violence; as leaders who appear on the political scene as a reaction to the lack of protection by the authorities; as organizers of armed response to oppression in their communities.

Among other topics to be dealt with by gender-sensitive exercises in truth and reconciliation are the rebuilding of masculine roles damaged in the violence, the recomposition of families from which the father/husband has disappeared, and the reestablishment of men's and women's roles when

the conflict ends. Without a proper gender analysis, these topics would be ignored.

Discussing gender issues in a TC's work implies recognizing the differential impact of human rights violations on men and women. The experience of violation may also be affected by systems of social differentiation such as political status, class, ethnicity, physical and mental disability, and age. A gender analysis will help to explore these differences, so policies of reparation and programs of reform can better identify and meet the diverse needs of men and women.¹⁶

The gender approach should be included in the debates that precede the establishment of the TC. Several issues should be discussed:

- The importance of including the gender approach in the mandate of TCs.
- The need for a budget dedicated specifically to the gender analysis from the very beginning of the TC.
- Whether the TC will establish a special unit for gender matters or not.
- The kind of expertise needed for the implementation of the gender perspective.
- Whether the TC's final report will have a special chapter on gender or whether gender will be mainstreamed in the whole document.
- The kind of training required for the TCs' staff.
- The forms of support needed for implementation of the gender approach.
- The institutions of civil society to be called upon to take part in this discussion.
- How to make the population aware of the importance of the gender approach.
- Previous or similar experiences that may serve as models.

Some basic points are vital to a successful gender perspective. One is the appointment of commissioners. Usually, commissioners are selected

from among people well known for their human rights background, their contribution to the peace process, and the respect they enjoy in society. Gender equality should also be a criterion for selecting commissioners. Although equal representation of men and women as commissioners will not guarantee a gender-sensitive approach, it does demonstrate the importance of recognizing different understandings of reality and the differential impacts of human rights violations on different types of people. The appointment of women as commissioners also facilitates the investigation of cases of sexual violence, where victims are mostly women. The selection of staff, interviewers, and researchers responsible for the TC's daily work should also follow this gender balance requirement—to send a positive message to the TC's staff and to the population in general.

The legal instrument that creates the TC should state explicitly that the gender perspective will be a priority in the commission's daily work, composition, and strategies. Such backing validates the TC's gender-related work and helps it obtain international support and funds to develop this aspect of its work. Moreover, it will give civil society a solid argument for demanding accountability on gender matters in the implementation of reparations and reforms.

The mandate of the TC should be drawn up with a gender perspective; because it is there that the crimes and human rights violations to be investigated are defined. Although sexual violence is not the only crime that affects women, it is the most prevalent and must be established in the mandate.

Interviews, public hearings, media materials, and databases are some of the aspects of the TC's work in which gender must be taken into account, to ensure that the TC differentiates among men's and women's opinions, needs, and experiences. The gender approach should also be included in the design of the research tools and guidelines of the TC. It should guide the analysis of causes and consequences of the abuses and human rights violations under investigation. In the past, the gender perspective has

helped to make clear that during armed conflicts women are attacked not only as direct participants of the conflict but also as wives or relatives of male combatants. Another good example of gender-specific consequences is sexual violence: although men and women may be raped, only women will get pregnant. Without a gender analysis, this information will be lost.

Women generally do not talk about themselves, preferring to elevate the stories of their husbands and children. As victims of sexual violence, women feel afraid and ashamed of telling their stories. They often deny the facts or talk about other victims of sexual violence—but not about themselves. Questionnaires and guides for interviews must consider this situation.

A gender perspective also aids in the preparation of an effective program of reparations and institutional reform. In the case of gender-sensitive reparations, little information is available at the practical or academic level. Some current research is being undertaken on the matter,¹⁷ but much remains to be done. Because men and women are affected by violence for different reasons, the reparation program and proposals for reform should identify those reasons and seek their eradication.

The follow-up committees that usually are created after a TC completes its work should reflect a gender balance in their composition and a gender perspective in their mandate.

There is some evidence that national prosecutors and judicial branches tend to grant priority to cases of torture and forced disappearance over cases of sexual violence.¹⁸ When this happens, women are denied equal access to justice, and their specific needs may remain invisible. For that reason, the gender dimensions of human rights violations should be discussed and highlighted in the TC's report.

The three country case studies will highlight how TCs have had to prioritize some of the points discussed above. They also will demonstrate how the lack of expertise, resources, and political will can compromise a TC's ability to address gender issues.

Case Studies

The South Africa Truth and Reconciliation Commission

In 1948, the Afrikaner-based National Party¹⁹ came to power in South Africa and introduced apartheid²⁰ to South African politics. This regime was enforced through restrictions on African migration into cities and segregated education to promote the idea of "separate development" (Koss 2002). The segregationist government lasted for 40 years, committing violations of human rights mostly against the black population. The apartheid government was also characterized by the predominance of men in leadership positions (Gobodo-Madikizela 2005: 4).

In the 1950s, opposition to apartheid coalesced. The Freedom Charter of 1955 demanded a "nonracial democratic government." That charter became the ideological manifesto of the African National Congress (ANC), which ultimately cleared the way for democracy. In the 1960s several ANC leaders were condemned to life in prison for their activities—Nelson Mandela among them. At the same time, an undeclared war against apartheid began. By the early 1980s, many supporters of the National Party rejected the regime. The international community reacted against apartheid with international sanctions and boycotts.

In this context, a new president, Frederik W. de Klerk, was elected in 1989. In his first speech to the Parliament in 1990, de Klerk released Mandela after 27 years of imprisonment and lifted restrictions on previously banned political movements; including the ANC. A new constitution was promulgated in December 1993. In 1994, the ANC became the majority party in the legislature, and Mandela was elected president of South Africa (U.S. Department of State 2005).

Creation of the commission

The new constitution provided the basis for the establishment of the Truth and Reconciliation Commission (TRC), created by Parliament on July 26, 1995, to investigate the nature and causes of human rights violations committed between 1960 and 1994 and to give victims of human rights abuses a chance to speak publicly. The TRC had to consider applications for amnesty²¹ from persons who fully and completely confessed to having committed human rights abuses and could demonstrate that those crimes were politically motivated (Schey, Shelton, and Roth-Arriaza 1997).

The commissioners were elected from among individuals who had a strong commitment to human rights and who were not seen as connected to political parties in a high-profile capacity. Seven of the seventeen commissioners were women.

The TRC was funded by the government of the United States and other international sources. Its budget was about \$40 million. The TRC had a staff of approximately 150 people (Schey, Shelton, and Roth-Arriaza 1997). It started working on Saturday, December 16, 1996, in a meeting convened at Bishopscourt, Gelds Town.²² Its work was completed on October 28, 1998.²³ Although set up for 18 months, the TRC worked for two years, ending with public hearings of amnesty and the implementation of the reparation mechanisms.²⁴

Methodology of work

The TRC was divided into three committees (Simpson and van Zyl 1995):

- *The Committee on Amnesty*: The committee received around 7,000 amnesty applications.

- *The Committee on Human Rights Violations:* The committee collected statements from victims and from witnesses to violations of human rights.
- *The Committee on Reparation and Rehabilitation:* The committee's purpose was to determine the reparations for the victims of serious violations of human rights. This committee proposed that a monetary fund of 3 billions should be created for victims' reparations.

South Africa's TRC was the first in the world to organize public hearings (Bhargava 2002). The hearings had an enormous impact in the population, educating it about the past, due to support offered by the media.²⁵ Individual perpetrators were required to come forward publicly to acknowledge and take responsibility for past wrongs. Special hearings for women were organized.

Gender, women, and the TRC²⁶

Women played an important role in the struggle against apartheid and in the TRC. Many white women protested the patriarchal prejudices of the apartheid regime.²⁷ Also, women were involved in the liberation struggle through the African Women's League, founded in 1919. In 1994, the Women's Charter was passed, declaring the needs, aspirations, and interests of women from all over South Africa (Gobodo-Madikizela: 5, 7).

Despite this intense participation, women had to campaign for seats at the negotiating table during the post-apartheid regime and to incorporate gender issues in the new constitution. In the end, women participated in the design of the TRC and in the selection of commissioners. When the TRC was created, women assumed vital roles, not only as commissioners but also as witnesses and activists (Gobodo-Madikizela 2005).

In a study on women's contributions to the TRC, Pumla Gobodo-Madikizela (2005) analyzes different aspects of women's participation. According to her report, women commissioners and staff developed emotional support for witnesses in a manner different from that of men. Her interviewees noted the compassionate concern for victims shown by women at the TRC, in contrast to the focus of male workers on the letter of the TRC's implementing legislation.²⁸ Former Commissioner Yasmin Sooka discussed the difficult time that women commissioners had trying to convince male commissioners of the importance of public hearings for women (Sooka undated). Similarly, former commissioner Mapule Ramashala

argues that the male structure of the TRC did not facilitate the collection of women's stories and voices (Ross 2003).

Women witnesses approached the TRC to discuss the suffering of their sons and husbands. Male witnesses approached the TRC to tell their own experiences as direct victims of human rights abuses. Gobodo-Madikizela explains this attitude as a conscious means of generating empathy and taking on a broader responsibility for the collective sense of national healing (Gobodo-Madikizela 2005). However, some authors (such as Goldblatt and Meintjes 1996) consider that when women did not talk about their own experiences, they subordinated themselves.

Women activists played an important role in encouraging a gender-sensitive approach to the TRC, as evidenced by the contributions of the Gender Research Project of the Centre for Applied Legal Studies (CALS) and of the Centre for the Study of Violence and Reconciliation. Meeting in a group dubbed the "Gender and the Truth and Reconciliation Commission," representatives of these organizations made a submission to the TRC following a workshop.²⁹ Their submission was intended to help the TRC understand how gender forms part of the truth and reconciliation process. As the document explains, a gendered approach requires looking at the way society locates women and men in relation to all areas of their lives. Thus, women's experience cannot be understood in isolation from men's, but only with reference to the intertwining of women's and men's roles and status in society generally—that is, with women subordinate to men.

The submission began by examining the reasons for developing a gender analysis of political violence. It then outlined the historical analysis of women's role in resistance and their experience of repression and torture dating from the 1960s. The document next examined the three areas of the TRC's work: human rights violations, amnesty and reparations, and rehabilitation. Related to the issue of sexual violence, the document stressed that women found it very difficult to speak out about the violence or even to admit that it happened. It also discussed the constructions of gender in prisons and the ways in which men and women experienced torture. While men, too, were victims of sexual torture, the document suggested that sexual torture of men aimed to induce sexual perversity and to abolish political power and potency, whereas behind the sexual torture of women lay the activation of sexuality to induce shame and guilt.³⁰ Finally, the document made some

practical suggestions for implementing the gendered approach in the TRC.

The Peruvian Truth and Reconciliation Commission

Peru's armed conflict lasted 20 years, from May 1980 to November 2000. Shining Path, a domestic subversive group, initiated the armed struggle against the Peruvian state in May 1980 by symbolically burning election materials in Chucchi, Ayacucho, one of the poorest cities in Peru. A second subversive group, the Movimiento Revolucionario Tupac Amaru (MRTA), was also responsible of crimes and human rights abuses, although it had less impact than Shining Path.

The state began a general, violent repression of the subversives, who responded in kind. As a consequence, thousands of people disappeared, were tortured, executed, arbitrarily detained, and convicted without due process of law. Women were submitted to sexual violence.

The majority of the people killed or disappeared during the years of violence were poor, illiterate Quechua-speaking farmers from the Andes—a “second category” of citizens as they were known.³¹ Other Peruvians began taking the problem seriously when Shining Path exploded a bomb in Tarata, Miraflores, an upper class neighborhood, in 1992. None of the three presidents elected during the armed conflict—Fernando Belaunde, Alan Garcia, and Alberto Fujimori—was able to develop an effective policy against the violence.

Creation of the commission

Following Alberto Fujimori's flight to Japan in 2000 and at the urging of human rights NGOs, the transitional government of Valentin Paniagua initiated an investigation of the crimes and human rights abuses that occurred during the armed conflict. A working group was established³² with representatives of the ministries of justice, defense, women and human development, the Peruvian Ombudsman, the Catholic Church, the Evangelic Concilium, and the National Coordinator of Human Rights. The working group designed a truth commission that came into being in 2001.³³ In July 2001 Alejandro Toledo became Peru's new president and renamed the truth commission. The “Truth and Reconciliation Commission”³⁴ had the objective of compiling an official record of crimes and violations of human rights committed during the armed conflict, analyzing

their causes, and recommending measures to strengthen human rights and democracy. Thus, the TRC had to study the political, social, and cultural context of the violence, as well as actions by government institutions that contributed to it.

When the TRC began its work, no accurate assessment of the true dimensions of the human rights violations was available, although national and international institutions brought many cases to light. Human rights NGOs collected information and filed records of violations before the national prosecutor, but very little attention was given to violations of women's human rights.

The TRC started working with seven commissioners. However, the Toledo government added five more members. Commissioners had to be Peruvian nationals with prestige and legitimacy in the defense of democracy and constitutional values. Only two of the twelve commissioners were women.

Methodology of work

At the outset, the TRC had four working groups. The working groups were as follows:

- *National Process of Political Violence.* This group analyzed the political, social, and cultural conditions that contributed to the violent situation in Peru.
- *Investigation of the Facts.* This group investigated crimes and violations of human rights. It took testimony and managed the TRC database.
- *Impact, Reparations, and Reconciliation.* This group developed proposals for reparation of victims, prevention of future occurrences, and social reconciliation.
- *Communications and Education.* The last working group designed national programs of social communication, citizen participation, and education.

The TRC's structure underwent many changes during its work. New working groups and units were created according to the needs of the investigation. A Special Unit on Judicial Cases was set up to identify cases to be forwarded to the national prosecutor.

Following the South African model, the TRC organized public hearings in major cities affected by violence. The hearings were organized by region, but also by theme. Thematic hearings were held on universities, forced displacements, the jailing of innocents, and women. Experts were invited to share their thoughts at the hearings.

Gender, women, and the TRC

When the TRC started its work, Peruvian society was unaware of the extent of sexual violence committed against women during the armed conflict. Nor had gender yet been identified as a valid perspective for the work of the TRC. The final reports of TCs in South Africa and Guatemala,³⁵ which gave prominence to women's stories and voices, were vital in this stage of the work.

Reports from different Peruvian organizations did not include disaggregated and gender-differentiated information about human rights violations. Although there were important studies of torture and disappearance, no reports appeared on sexual violence. Even human rights groups and feminist organizations failed to document the problem due to the low level of awareness of the dimensions of sexual violence during the conflict.

As in South Africa, women were reluctant to talk about themselves and the violations they suffered. Victims of sexual violence, in particular, felt ashamed and guilty. Women downplayed their own suffering as victims, primarily identifying themselves as the wives, widows, mothers, daughters, and sisters of the male victims. Shame and the fear of social condemnation discouraged women from talking about their experiences.

Moreover, the mandate of the TRC did not include a specific obligation to include a gender perspective or a special analysis of gender-based crimes, such as sexual violence. In the course of the TRC's work, however, the debate on the importance and impact of gender arose.

The late decision to incorporate a gender perspective in the TRC complicated the task of developing a broad plan of action on the matter. Although a gender unit was formed within the TRC, no specific resources were made available for its work. Thus, it had to limit itself to "inexpensive" issues, such as interviews with victims who approached the TRC. On the other hand, the gender unit strengthened its relations with women's organizations and developed various activities in coordination with the local media, thereby disseminating the work of the TRC and the emphasizing importance of getting women involved in the process. The collaboration of international donors and organizations, such as the United Nations' Office of the High Commissioner of Human Rights, the Spanish Cooperation Agency (AECI), and the United States Agency for International Development (USAID), was vital for the gender unit.

The final report

The TRC's final report, issued on August 28, 2003, included a chapter on gender analysis and a chapter on sexual violence against women. The inclusion of the latter was the result of a long discussion within the TRC over the comparative merits of mainstreaming and special treatment. Since the TRC did not include a gender perspective from the outset, there was a risk that the gender perspective would be insufficiently visible in the absence of a dedicated chapter in the report.

The TRC understood "reconciliation" to be a process of reestablishment and recasting of fundamental ties among Peruvians. The process implied the need to overcome and resolve the conflict, to discuss ideas about reconciliation held by various political and social sectors, and to adopt government policies that addressed the demands of civil society. The last issue entailed profound institutional reform, implementation of a plan of reparations for victims, and criminal sanctions for those responsible for crimes and human rights violations.³⁶ The TRC recommended that the reconciliation process be oriented toward a reassessment of the value of women through recognition of their rights and their full and equal participation in civic life.

The TRC recommended reforms of the armed forces, the national police, and the intelligence services based on respect for human rights and coordination with political authorities and social leaders; reforms of primary and secondary education, particularly in poorer and less developed regions; and judicial reforms.

For the latter reforms, the TRC highlighted the importance of strengthening the independence of the courts, including an independent system for the appointment, evaluation, and disciplining of judges and the reestablishment of a judicial career. The TRC also recommended that the military court be incorporated into the civilian judiciary under the authority of the supreme court of justice through constitutional and legal provisions. Specialized prosecutorial offices for trying cases of human rights crimes and an integrated system to deal with the cases of disappeared people during the internal armed conflict were also recommended. The TRC proposed to implement a training program for judges, prosecutors, and lawyers in human rights, humanitarian law, and democratic culture.

The TRC recommended the creation of a national fund to finance the components and actions of the reparations plan. The fund was to be supported

principally by resources from the national budget to demonstrate that implementing reparations was a public responsibility. The TRC believed that international cooperation could contribute to the financing of the reparations plan through diverse means, one of which would be the creation of a mechanism for exchanging foreign debt for projects directly linked to the reparations policy.

On April 2004 USAID donated \$1 million toward a fund for victims of torture to implement the TRC's recommendations. The funds were to be directed to the Ombudsman's Office, the mental health program of the Center for Psychosocial Attention (CAPS), and the Institute of Legal Defense (IDL). The Ombudsman's Office also receives support from the Swedish Agency for International Cooperation (Sida).³⁷ Moreover, a German fund³⁸ supports the CRP,³⁹ while an Italian Fund supports the activities of IDL.

Impact of the final report

Soon after the TRC released its report, the government approved the implementation of the special prosecutors' offices for human rights (in November 2003). Although this was an important advance, experience has shown that these offices are not sufficient to serve the entire country. Moreover, they do not have personnel with special qualifications in human rights and are still dealing with other cases, since they have not yet been relocated.⁴⁰

In February 2004, the Multisectoral Commission on Public Actions and Policies on Peace, Collective Reparation, and Reconciliation was created⁴¹ to implement the reparation program. The commission does not have a gender perspective, and there is no plan for adding a gender approach or for including widows, raped women, and orphaned girls as specific populations affected by the violence.⁴²

Also in February 2004, a national housing allowance program was extended to include victims of the armed conflict,⁴³ and a law was passed to help displaced persons to relocate. Furthermore, a register of displaced persons was created.⁴⁴ A curricular reform is being implemented to incorporate the conclusions and findings of the TRC's final report in school textbooks. In March 2004, Peru's constitutional court recognized the right to the truth in an important decision.⁴⁵

The Ombudsman's Office is working to implement the TRC's recommendations. In April 2004, it inaugurated the Center on Information for Collective Memory and Human Rights, with the

objective of preserving and making available the information collected by the TRC. It also has developed an intense campaign to issue identification documents to the rural population, to which most of the victims of the conflict belonged. Most of the potential beneficiaries of that campaign are women.⁴⁶

The Office of the Ombudsman proposed that Peru's congress should modify the nation's criminal code to include sexual violence as a crime against humanity and to extend the definition of rape in accordance with the Rome Statute.⁴⁷ This last measure was approved in June 2004.⁴⁸

Currently, the Ombudsman's Office is handling proceedings related to declarations of forced disappearance.⁴⁹ Once an individual claims that relatives disappeared during the conflict, the Ombudsman's Office begins to look for information about the disappearance. If the disappeared people are not found, a declaration of forced disappearance is released. This measure will have an important impact on women, since most of the disappeared people were men. Without the declaration, women's rights to property, inheritance, and a new marriage are diminished.

In July 2005, the Integral Plan for Reparations for 2005–6 (PIR)⁵⁰ was approved, committing the national government and its local and regional administrations to budget sufficient resources to carry out the plan, the cost of which is about \$100 million.

According to its implementing legislation, the general objective of the PIR is to compensate victims for human rights violations committed between 1980 and 2000, as well as the social, moral, and material harm suffered by victims as a consequence of the armed conflict. Although the PIR did not show a gender perspective in its elaboration, a regulatory proposal⁵¹ would rectify that situation. The proposed regulations demand that any action taken to implement the PIR must take gender into account, so as to develop awareness about gender inequality in Peruvian society. The proposal avoids using the term "children," mentioning sons and daughters instead. This difference is very important in Spanish, as it overcomes the false "gender neutrality" of language. Another advance is that the proposed regulations mention all forms of sexual violence, not only rape, as human rights abuses.

Notwithstanding these advances, there is not a real commitment of the government to implement the recommendations of the TRC. The lack of resources is the main argument but there is interest among the international community to collaborate with the PIR that it is not being used in this sense.

The Peruvian TRC and the judicial authorities: cases of sexual violence

The TRC forwarded two cases of sexual violence against women to the national prosecutor.

Magdalena Monteza was a student detainee in 1992. Repeatedly raped, she became pregnant. Originally, the case was “temporarily” closed by the prosecutor because the rapist could not be identified. Mrs. Monteza approached the TRC with her case. IDL assumed her defense. The case is under investigation by the prosecutor’s office.

The Manta and Vilca case deals with systematic sexual violence against women from these towns in Huancavelica, where military were operating from 1984 (Vilca) and 1998 (Manta). Sexual abuses resulted in several children who do not know who their fathers are. IDL is funding the victims’ suits; DEMUS, a feminist organization, is studying the matter.

All these cases are being considered by the prosecutor and being heard by the judicial authorities are not receiving sufficient attention or moving quickly enough. The army is interfering with the investigations, refusing to give information about the identity of the perpetrators. The legal branch of the armed forces has tried to investigate cases involving military personnel, despite the fact that these belong before the criminal courts. In the Manta and Vilca case, IDL discovered that one of the prosecutor’s assistants was a former soldier. IDL protested, and the situation was changed, but this was only one detected case.

In general, victims do not have enough resources to afford legal aid. Of 1,512 victims currently involved in judicial proceedings, 1,148 lack legal counsel. By contrast, the defendants—notably army officers—enjoy legal assistance from private law firms and the state.^a In the case of sexual violence, legal problems have arisen related to the statute of limitations and the lack of a criminal definition of sexual violence^b (the criminal code deals only with rape). Moreover, it is difficult to collect evidence in cases of sexual violence given the amount of time that has passed. In many cases, the evidentiary requirements of the courts have been unreasonable. For instance, there have been cases of judges demanding medical certificates from victims concerning rapes that occurred 20 years ago.

There is a lack of coordination between the national prosecutor and the judicial branch.^c For example, the Executive Council of the Judicial Branch decreed that all cases with more than three victims should be investigated in Lima, obliging victims and judges to expend resources to travel to the capital city to pursue their cases. Judges and prosecutors are not trained in international human rights law and often lack interest in such cases. In the case of Manta and Vilca, for instance, the prosecutor has not visited the towns, although she has the authority to do so.^d

Many women are reluctant to file complaints because the authorities are unresponsive.^e In some cases, women have started new relationships with men who are unaware of the earlier abuses.^f Women often fail to get support from their own communities, where men feel defeated and humiliated by the knowledge that “their” women were raped; many prefer to think that women voluntarily initiated relationships with military personnel.^g

- a. Interview with Gisella Vignolo, human rights deputy of the Peruvian Ombudsman’s Office, November 15, 2005.
- b. Interview with Jimena Cayo, judge of the Superior Court of Justice of Lima, November 2005.
- c. Directiva 01-2005-PSNP, April 2005.
- d. Interview with Carlos Rivera, lawyer in charge of the Manta and Vilca case of the IDL, February 8, 2006.
- e. Carlos Rivera, lawyer of IDL in the Manta and Vilca case, explained that it was very difficult for him to find affected women that wanted to file a complaint. They start with this search on May 2004 and currently there are 11 women participating in the process; they have found the birth certificate of children born after the rape. Interview with Carlos Rivera, November 23, 2005.
- f. Interview with Gisella Vignolo, human rights deputy of the Peruvian Ombudsman’s Office, November 15, 2005.
- g. Interview with Flor Valdes, DEMUS lawyer, November 16, 2005.

As discussed earlier, the final report of the TRC has had an important impact on the government’s policy and in society, although there is still a lack of resources and political will to implement all of its recommendations. Public policies on health, education, labor are being designed according to the TRC’s report, and the new national budget will include an item for reparations. The Peruvian case is a good example of the impact of TCs in new societies and the need for agencies like the World Bank to become involved in this process.

The Sierra Leone Truth and Reconciliation Commission

The armed conflict in Sierra Leone began in 1991, when the Revolutionary United Front (RUF), led by Foday Sankoh and supported by the forces of a rebel group in Liberia led by Charles Taylor, made its first incursions from Liberia and started a revolution against the government of President Joseph Saidu Momoh.⁵² On April 29, 1992, a military junta headed by Captain Valentine Strasser assumed control of the

government and commenced negotiations with the RUF. The negotiations failed.

In 1995 President Strasser asked the Economic Community of West African States (ECOWAS) to mediate talks between the government and the RUF. ECOWAS refused to consider the request until foreign troops (from Nigeria, Guinea, and South Africa) left the country. A ceasefire was reached in May 1999. In July 1999 the Lomé Peace Agreement was signed. This agreement provided a controversial amnesty for perpetrators of atrocities on all sides of the conflict (Schabas 2004).

Creation of the commission

Sierra Leone's TC was created under the Lomé Peace Agreement⁵³ and established in February 2000 by an act of parliament entitled "The Truth and Reconciliation Commission Act."⁵⁴ Parallel to the creation of the TRC, the United Nations Security Council approved Resolution 1315, which called for the creation of an independent special court (SC) to prosecute the perpetrators of crimes against humanity, war crimes, and other severe international human rights violations, as well as crimes under the law of Sierra Leone, performed as a consequence of the armed conflict. On January 16, 2002, the United Nations and Sierra Leone signed an agreement establishing the SC.

The simultaneous work of the TRC and the SC raised some problems. In addition to funding problems, victims and perpetrators alike were confused about the role of the two institutions. Many believed that the TRC was an investigative arm of the SC and were concerned about the confidentiality of their testimonies. No effort was made in the legislation to take care of these potential problems (Sooka undated).

By law, the TRC process was to last one year. Its objective was to create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone, from the beginning of the conflict in 1991 to the signing of the Lomé Peace Agreement.⁵⁵ The TRC was to address the issue of impunity, respond to the needs of victims, promote healing and reconciliation, and prevent a repetition of the violations and abuses suffered. There were seven commissioners, three of whom were women.

Methodology of work

The TRC had powers to compel information from any source, including governmental entities, and to

conduct inspections. The commission established two units. The Information Management Unit included the functions of investigation and research, whereas the Legal and Reconciliation Unit was largely responsible for reconciliation. The commission's activities were divided into three phases: taking statements, conducting hearings; and writing the report.

At the start of its work, the TRC identified certain key themes upon which it would focus its energies during its research and investigation. These themes included the historical antecedents to the conflict, the military and political history of the conflict, and the role of mineral resources and external actors in the conflict. The TRC decided also to focus on the situation of women and children during the conflict.

Gender, women, and TRC

Some TRC commissioners had previous experience with gender and TRCs that proved vital. One such commissioner insisted that a gender perspective should be part of the TRC's investigation process. The same commissioner assumed an important role in this matter inside the TRC, as she was aware of the importance of staff training, the participation of international actors such as the United Nations, and the difficulties of getting people to understand the need for a gender perspective in a TC.⁵⁶

When the TRC began work, staff members and commissioners alike needed to learn sensitivity in dealing with victims of sexual abuse. In early interviews, victims were asked questions like "What were you wearing when it happened?" and "What were you doing out alone at night?"⁵⁷ It soon became clear that TRC personnel required training on gender matters. Here UNIFEM assumed an important role.

Civil society organizations from Sierra Leone and elsewhere participated in the TRC process. For example, the Coalition on Women's Human Rights in Conflict Situations⁵⁸ submitted a report to the TRC analyzing the cases of sexual violence in Sierra Leone and listing some recommendations for the commission. The report highlighted the importance of acknowledging the range of sexual crimes committed during the armed conflict and the need to promote public awareness of women's rights and gender issues. The document also suggested that the TRC should make recommendations to promote and protect women's human rights and reform the Sierra Leone legal system from a gender perspective. These recommendations were accepted by the TRC.

The Three Cases: Some Comparisons

On the following pages, this study compares the cases of South Africa, Peru, and Sierra Leone in terms of the TC's mandate, the gender issues addressed by the TC, and the conclusions reached by the TC.

South Africa

Mandate

The act establishing the TRC did not make reference to gender-based violations or identify women as a special target group. Moreover, the definition of "gross human rights violations" did not specifically address the question of gender violence, particularly sexual violence. Female commissioners argued that "torture" and "severe ill treatment" should cover sexual violence and other gender-based violations. Those categories included rape and punitive solitary confinement, sexual assault, abuse, and harassment, among others (Ross 2003). Amnesty committees were urged not to grant amnesty for rape (Sooka 2004).

Gender issues addressed

In response to a request from a civil society group in 1996, the TRC held special hearings for women (Cape Town, 1996; Durban, 1996 and Johannesburg, 1997).⁵⁹ The TRC also resolved to be sensitive to cultural norms concerning gender in specific communities and recognized that women needed to be encouraged to speak out about the human rights violations that they had suffered. The TRC saw a need to break the silence and resolved to act as a facilitator to empower women to tell their stories.

The TRC recognized that the presence of men on the panels might paralyze some women; therefore, the composition of the panel had to be negotiated with witnesses. Preparatory workshops were held, particularly for rural women, and commissioners received training on gender-related issues. Finally, the TRC developed gender-sensitive reparations policies.

Gender-based crimes began to be considered only after the TRC had begun its work. Thus, the TRC had to develop some last-minute strategies—among them training statement takers and modifying the protocol on human rights violations. By April 1997 a note was included in the protocol addressed to women deponents: "Don't forget to tell us what happened to you if you were the victim of a gross human rights abuse."⁶⁰

The TRC had to modify its methodological approach to transfer women's experiences of harm

into a category that could be investigated. As a result, the work of the TRC was focused on women's experiences of violence rather than violence and its links to gender and power (Ross 2003). Although this could be considered not strictly a gender analysis, the approach was a consequence of recognizing that women's voices were usually ignored and that insufficient information was available about their experiences of violation. "Failure to approach the experience of human rights abuses through a gendered lens will lead to the neglect of women's experience of abuse and torture, for these are often seen as a male preserve" (Goldblatt and Meintjes 1996).

Conclusions

The final report of the TRC was released on October 28, 1998. A chapter presenting findings and conclusions on gender and violations of human rights of women was based on information obtained in the special hearings for women.⁶¹

After acknowledging that "the definition of gross violation of human rights adopted by the Commission resulted in blindness to the types of abuse predominantly experienced by women," the gender chapter focused on women's stories and pointed out the ways in which women experienced abuses, analyzing how gender roles affected their experiences.⁶²

It included gender-disaggregated statistics and discussed how the perspective of the commission might have affected what was heard, given the gendered roles and socialization of the society. It also included some of the stories related in the special hearings, with the objective of presenting the range of sexual, physical, and psychological abuses experienced by women. It had a section on women as perpetrators, as well.

However, no broad references to gender or women's situation appear among the main findings and conclusions; only a few paragraphs on these subjects are included under the title "Further findings."⁶³ There, the TRC concludes that the state was responsible for the severe ill treatment of women in custody through harassment and the deliberate withholding of medical attention, food, and water. Women were abused by the security forces in ways that specifically exploited their vulnerabilities as women, such as rape or threats of rape and other forms of sexual abuse, threats against family and children, removal of children from their care, false stories about illness or death of family members and children, and humiliation and abuse surrounding

biological functions such as menstruation and childbirth.

Among their recommendations and proposals of reconciliation, the TRC stressed the importance of being sensitive to the needs of groups that have been particularly disadvantaged in the past, notably women and children. The recommendations of the final report related to specific areas in the public and private sectors that the TRC believed could assist in the consolidation of democracy, the building of a culture of human rights, and the reconciliation process.

The TRC recommended, for example, that government should pay more attention to the transformation of education, the provision of shelter, access to clean water and health services, and the creation of job opportunities. It will be impossible to create a meaningful human rights culture, the TRC argued, without high priority to economic justice.

Moreover, the TRC urged that human rights curricula be introduced in formal education, specialized education, and the training of law enforcement personnel. Issues such as racism, gender discrimination, conflict resolution, and the rights of children should be included in such curricula.

Concerning the administration of justice, the TRC recommended training in human rights principles and issues, including gender-specific abuse and appropriate responses. It also urged that imbalances in the racial and gender composition of judges on the high court be urgently addressed and that a fast-track judicial training program be introduced for black and female advocates, attorneys, and academics who aspired to judicial appointment.

The TRC also suggested that the media intensify programs of affirmative action and empowerment of women to ensure better gender balance.

Peru

Mandate

The decree that created the TRC charged it with investigating murders, kidnappings, forced disappearances, torture and other gross bodily harm, and violations of the collective rights of the Andean and native communities in Peru.” Although the mandate did not expressly charge the TRC with investigating sexual crimes committed during the armed conflict, it provided for the investigation of “other crimes and gross human rights violations.” In this sense, the TRC interpreted its mandate to include sexual violence against women.

Gender issues considered

In May 2002, the TRC released a statement on the importance of the gender perspective in the process of realizing truth and reconciliation in Peruvian society.⁶⁴ The document asked the officers of the TRC to devote special care to this aspect of their work and to recognize the different impact of the conflict on men and women. It also stipulated the traditional discrimination against Peruvian women as a starting point of the work of the TRC.⁶⁵

Later, a gender unit was created in the TRC that coordinated its work with the regional offices of the TRC.⁶⁶ Strategies were developed to overcome the difficulties of a late incorporation of the gender approach and lack of information related to sexual violence against women. TRC personnel emphasized the stories of women and the situations that affected them the most. Critics argued that a gender perspective should focus not only on women but on the situation of both men and women. However, as in the South African case, the TRC decided to focus its work on women’s stories, because information about their experience was so scarce.

The TRC organized workshops for interviewers of women to help them to create an environment of trust and encourage women to tell their stories. Specific questions about sexual violence were included in the questionnaires given to the victims. Internal bulletins, a Web site, flyers, and posters were developed.⁶⁷

The TRC expressed its formal commitment to the gender perspective in a public forum, “Breaking the Silence,” at which women academics, activists, victims’ representatives, and members of the TRC reflected on the role of women during the armed conflict. The forum allowed the TRC to present and defend its gender approach.

The TRC organized a thematic hearing on women’s human rights (“Political Violence and Crimes against Women”) that presented cases of female victims of violence and showed women as survivors and fighters against abuses and violence.

Finally, some cases of sexual violence against women were presented by the TRC to the national prosecutor.

Conclusions

The final report, released on August 28, 2003, included a chapter on gender and a chapter on sexual violence. The chapter on gender recognized that inequality and discrimination against women

persisted during the armed conflict. Gender roles were changing, and women had to assume responsibility for the survival of their families after their husbands disappeared. Women also organized the movement of whole populations to escape from the violence (Deng 1995). Although some women were responsible for crimes against civil populations and in many cases became active subversive leaders, they also retained traditional roles such as cooking and nursing.⁶⁸ The important work of women in organizations to promote peace and democracy was also detailed in the report.⁶⁹

The chapter on sexual violence included cases of rape, sexual blackmail, sexual slavery, mutilation, manhandling, humiliation, forced prostitution, forced pregnancy, and forced nudity.

The TRC found that cases of sexual violence against women were significantly rarer than those of other human rights violations. As in South Africa, however, victims' feelings of guilt and shame may have led to underreporting. Another reason for the underrepresentation was that much of the sexual violence occurred in the context of other human rights violations, such as massacres, arbitrary detentions, summary executions, and torture. Such abuses tend to overshadow cases of sexual violence, even where the sexual violence can be discerned.

The TRC found no evidence of criminal prosecutions of members of the army or the police who committed sexual abuses; nor did it uncover information indicating that complaints filed by victims of sexual violence had been investigated. Sexually abused women often were discriminated against by their own communities and families. This hostile environment made it very difficult for victims to denounce the crimes.

The final report included a comprehensive plan of reparations (PIR) for victims of the violence. The TRC recognized the importance of the gender perspective in the PIR and the need for equal participation of men and women in its implementation.

The PIR included symbolic reparations like public gestures, acts of acknowledgement, memorials, and sites of memory. The TRC urged that abuses and crimes against women should be explicitly mentioned in all such events. Moreover, it recommended that women who assumed leadership roles during the armed conflict should be recognized appropriately.

Concerning health reparations, the TRC suggested that the state should identify the specific needs of women, especially in mental health. It also recommended that the impact of violence in families and gender relationships should be identified. Finally,

the TRC proposed economic reparations for victims of rape and children born as a result of rape.

Sierra Leone

Mandate

The act that created the TRC called for it to provide an opportunity for victims to give an account of violations and abuses and allow perpetrators to relate their experiences. Section 6(2)b of the enabling act required that the TRC pay special attention to the "subject of sexual abuses and to the experiences of children within the armed conflict." This provision helped to set up the context for the future work of the TRC, forming the basis for the adoption of special measures for incorporating the gender perspective and giving special attention to sexual abuses and the experiences of children. This recommendation was not included in the other cases examined in this report.

Gender issues considered

The mandate of the TRC was interpreted to include sexual violence against women (Sooka undated). UNIFEM and the Urgent Action Fund collaborated with the TRC, providing training on gender for the commissioners and TRC staff in 2003. The participation by the commissioners sent a strong message within the institution that the issue of gender violence was an institutional priority (Nowrojee 2005). Both institutions supported a workshop that allowed women's groups to discuss the TRC and identify ways to assist it. UNIFEM's work before and during the evidence-gathering process, in collaboration with local civil society organizations, permitted many women to break their silence and thus enabled the commission's final report to spotlight the horrific crimes perpetrated against women (Ben-Ari and Harsch 2005).

Women had problems telling their stories not only because of their own trauma, but also because of the negative attitudes of their husbands. In some cases, statement takers complained that husbands would not let their wives speak to them alone. Although some husbands could be convinced to let their wives speak in private, some interviews had to be conducted in the presence of the men.⁷⁰

As in South Africa and Peru, the TRC organized a special hearing for women. In view of the difficulties women had in telling their stories, the TRC took important steps to facilitate their testimony. Only female commissioners questioned rape victims, for example (Nowrojee 2005). Moreover, women had

the possibility of choosing whether to testify in camera before the commission, at public hearings where their testimony would be heard but where their identity would be shielded by a screen, or speaking openly and in front of the audience at the public hearings. Many women insisted on testifying in public so that people would know what they had been through.

All combatant factions apologized in public for gender-based crimes committed by their troops.⁷¹

Conclusions

The final report was released on October 5, 2004. The chapter of the report on “Women and the Armed Conflict” sets out the violations suffered by women and considers the current position of women in Sierra Leone.⁷² The report concluded that women and girls became targets for abuses during the conflict, suffering abductions and sexual exploitation.⁷³ All armed groups carried out human rights violations against women and girls, including killings, rape, sexual slavery, slave labor, abduction, assault, amputation, forced pregnancy, torture, trafficking, mutilation, and other cruel and inhumane acts.

The TRC made specific recommendations to redress the marginalization of women in education and in political and social life. One recommendation was women’s representation in public offices and as candidates in national and local government elections. The TRC also called on communities to make special efforts to encourage acceptance of the survivors of rape and sexual violence. The Ministry of Social Welfare and Gender Affairs was urged to establish a directory of donors and service providers for women. The government as a whole was urged to provide free psychological support and reproductive health services to affected women, while relief agencies were asked to provide female ex-combatants with skills training and other assistance to advance their social reintegration.

The TRC urged reforms in Sierra Leone’s legal, judicial, and police systems to make it easier for women to report cases of sexual and domestic violence. Laws that linked the prosecution of sexual offences to the moral character of the complainant were to be repealed. The government was urged to harmonize the national laws of Sierra Leone with the provisions of the Rome Statute of the International Criminal Court.

The TRC recommended that the government should launch a campaign to end the customary practice of compelling women and girls who have been raped to marry the offender. The TRC called on community leaders to discourage the practice of accepting monetary compensation for the crimes of rape and sexual violence as an alternative to reporting the cases for criminal prosecution.

It also called for the repeal of laws and customs that discriminate against women in marriage, inheritance, divorce, and property ownership. The TRC recommended that UNICEF participate in efforts to improve women’s social status, including skills training, adult education, HIV/AIDS education, abolition of harmful customary practices, and leadership programs. To enhance women’s role in decision-making, the TRC recommended that political parties ensure that at least 30 percent of their candidates for public offices should be women, and that the government should work to achieve a similar ratio in the cabinet and other political posts.

The TRC recommended that microcredit schemes should target female ex-combatants, internally displaced women, female heads of households, and war widows.

Concerning education, the TRC recommended that the government should strive to provide free and compulsory education and to end the practice of expelling from educational institutions girls who become pregnant.

The TRC highlighted the difficult situation of war widows, many of whom were barred by tradition and custom from owning property, accessing land, and inheriting property from their husbands. In certain ethnic groups, the estate of a deceased man is passed on to the closest male relative. The TRC recommended the repeal of all laws, customs, and practices that discriminate against widows and prevent them from owning or holding land.

Comments

As described above, the TRCs in Peru, Sierra Leone, and South Africa strove to incorporate a gender approach or women’s perspectives in their work and final report. The process was different in each case and had a different impact in each society. Whereas the TRCs in Peru and South Africa had to insist on

hearing women's voices and considering gender-based crimes once work was already under way, Sierra Leone's TRC enjoyed a specific provision that allowed it to consider the situation of women from the outset of its investigation. However, all three TRCs had to make extraordinary efforts to guarantee that women's voices and stories were not ignored.

The cases of Sierra Leone and South Africa show some important similarities. In both cases, a peace agreement was negotiated and amnesty established as part of the transitional justice process. In Peru, by contrast, the TRC was created by the government; amnesty was expressly excluded from the process.

The process in Sierra Leone benefited from the participation of Yasmin Sooka, a former commissioner of the South African TRC. Her experience was crucial in the training of TRC staff, the organization of hearings, and the drafting of the

final report, among other aspects. Both Peru and Sierra Leone took the South African report as a precedent.

In all three processes there was external support for including a gender perspective in the TRC. That support came from academics, NGOs, donors, and international organizations, such as UNIFEM and the U.N. High Commissioner for Human Rights.

Although it cannot be said that a complete gender analysis was conducted by any of the three TRCs, all made significant efforts. With more resources, more prior debate on the subject, and the support of international actors, it might have been possible in the cases studied to develop a more complete gender analysis. However, it should be kept in mind that partial efforts to address the disadvantages of women in society are not incompatible with a full gender perspective. On the contrary, they recognize the existence of inequality that should be eradicated (United Nations 2001).

Findings and Conclusions

Key Findings

1. Truth commissions (or truth and reconciliation commissions) are mechanisms of transitional justice established in situations of gross human rights violations for the purpose of investigating facts and developing proposals of reparations for victims. TCs also propose reforms of the institutions that allowed the abuses to occur. These proposals deal with legal and judicial reform, security issues, economic and social matters, and development policies, among other topics.
2. Gender perspectives have not been a priority in the formation of TCs, the selection of commissioners, or the methodology of their work. Human rights violations against women have not been highlighted in the mandate, methodology, or work of most TCs.
3. In TCs in Peru, Sierra Leone, and South Africa, however, a gender perspective and a women's approach were implemented. In Peru and South Africa the gender perspective was added after the TC started working; in Sierra Leone, by contrast, the legislation that created the TRC called for special attention to the situation of women during the armed conflict.
4. The final reports of the TCs in Peru, Sierra Leone, and South Africa dedicated chapters to the violence perpetrated against women. In all three cases, proposals for reparations and reform included references to women's situation, though the Sierra Leone report was more concrete and specific than the other two.
5. The reports are a good starting point for exploring the critical issues that transitional societies must confront. Their proposals try to express, in condensed form, the pressing needs of the population. Although it cannot be said that a complete gender analysis was conducted by any of the three TRCs, all made significant efforts. With more resources, more prior debate on the subject, and the support of international actors, it might have been possible in the cases studied to develop a more complete gender analysis. However, it should be kept in mind that partial efforts to address the disadvantages of women in society recognize the existence of gender-based inequality that should be eradicated.
6. Analysis of the post-TRC period in Peru yields some suggestions about the real impact of the final report. Although several legal and institutional reforms were initiated in the wake of the report, there is still a lack of commitment from the government to the implementation of the proposals for reparations and institutional reforms. The courts do not appear to be prepared to prosecute the cases filed by the TRC—whether because of insufficient resources, poor training, limited gender awareness, or other factors. The gender-related contributions of the TRC could be lost unless the government rediscovers its commitment to the final report.
7. There is a gap between victims' needs and state responses for justice and reparations. In many cases, states do not distinguish between resources for reparations and for development projects.

Importance of Truth Commissions for International Development Agencies and Donors

The role of TCs in the development of new societies is fundamental. For that reason, the process followed in establishing a TC should command the attention and participation of international development agencies and donors—especially with respect to the incorporation of a gender perspective that might otherwise be overlooked.

In general, international actors can usefully participate from the very beginning of the postconflict process, supporting popular debate on the importance of the TC, asserting the need for a gender perspective and for gender balance in the composition of the TC, and helping to clarify the subjects to be investigated. Once the TC begins working, international actors can play an essential role in relation to the human rights record by supporting research, public hearings, report writing, expertise, training for TC staff on gender issues, and so on. Moreover, international actors and donors are vital in post-commission processes and in the implementation of the reparation programs, whether by providing direct funding or by forgiving debt. They also can be involved in implementing TC recommendations; funding proposals for legal reform; supporting disarmament, demobilization, and reintegration; diffusing the TC's report; sponsoring its translation into local languages and dialects; and promoting workshops and discussions among local actors responsible for implementing the recommendations.

Donors may also use grant and loan conditions to pressure government to implement recommendations. The Peruvian TRC made some recommendations that were embraced by international agencies:

- The national prosecutor should file cases against perpetrators of crimes and human rights violations investigated by the TRC.
- The Ombudsman's Office should follow up on the work of the national prosecutor.
- The National Terrorism Court of the Superior Court of Lima should take into account the findings of the TRC related to the crimes committed by subversive groups.
- Witnesses and victims should receive protection.⁷⁴

These recommendations are being implemented with the support of international agencies and donors. According to a recent report,⁷⁵ at least 12

international agencies are participating in this process, including:

- The Swedish International Development Cooperation Agency (Sida) is supporting a special prosecutor's office in investigating human rights violations in Ayacucho (Peru), as well as exhumation operations initiated by the national prosecutor.
- Finland supports the human rights NGO "COMISEDH" in work related to democracy, human rights, and judicial process.
- The International Center for Transitional Justice (ICTJ) is supporting the design of the Special Judicial Subsystem of the national prosecutor and the Ombudsman's Office in their follow up of the TRC's work.
- The Ford Foundation supports organizations that are filing cases of violations of human rights of women. Ford assists the legal team of the National Coordinator for Human Rights, an entity that represents most of Peru's human rights NGOs.
- The United Nations Development Programme (UNDP) is supporting the exhumation of mass graves by the national prosecutor. UNDP also works with the prosecutor in Ayacucho, where most of the human rights violations occurred.
- The European Union has designed a program to support reform of the judicial system. The program will promote judicial careers, strengthen constitutional jurisprudence, and improve people's access to justice. The European Union is also supporting regional initiatives on peace and justice.⁷⁶

Thus, international agencies and donors have embraced the recommendations of the Peruvian TRC, believing it to be a sound diagnosis of the needs of Peruvian society.

Relevance of the Work of Truth Commissions for the World Bank's Work

There are several important questions regarding World Bank involvement in a TC process. Is the Bank permitted to participate in the process? Is the Bank the best international institution to be involved in this process?⁷⁷ If so, how should it get involved?

The activities of the World Bank must be guided by its articles of agreement. One of the purposes defined in the articles allows the Bank to assist in the reconstruction and development of territories of

members by facilitating the investment of capital for productive purposes, including the restoration of economies destroyed or disrupted by war, the reconversion of productive facilities to peacetime needs, and the encouragement of the development of productive facilities and resources in developing countries.

The articles must respond to situations that may not have been anticipated when the World Bank's mandate was established. One such situation is armed conflicts. The World Bank already understands that conflict prevention and postconflict reconstruction are critical to its mission of poverty reduction, to address the tragic vicious circle in which poverty causes conflict and conflict causes poverty. That understanding was one of the main reasons behind the creation of the Conflict Prevention and Reconstruction Unit (CPRU), which works to design development efforts specific to conflict-affected countries.⁷⁸ To accomplish its objectives, the CPRU must evaluate and understand the causes, consequences, and characteristics of conflict.

The World Bank therefore has interpreted its mandate to better respond to the current situation of its member countries. Thus, its involvement in a TC process could advance its work—for example, its ongoing work in conflict-affected countries.

In 2001, the World Bank issued an operational policy, OP 2.30, on working with conflict-affected countries, recognizing that economic and social stability and human security are preconditions for sustainable development. In this sense, “violent conflict, within or between countries, results in loss of life and destruction of assets, contributes to social and economic disintegration, and reverses the gains of development, thereby adversely affecting the Bank's core mission of poverty reduction. Such conflict not only affects the country or countries of the combatants, but also may spill over to other countries and have regional implications.”⁷⁹ OP 2.30 establishes that the World Bank's work in relation to conflict has the following objectives:

- In countries that the Bank determines are vulnerable to conflict: to use its usual instruments (such as the Country Assistance Strategy) to promote economic growth and poverty reduction through development assistance that minimizes potential causes of conflict;
- In countries in conflict:
 - to continue efforts at poverty reduction and maintenance of socioeconomic assets where possible;

- to provide—where requested by its partners—information on the socioeconomic impacts of emergency assistance;
 - to analyze the impact of conflict on economic and social development; and
 - to prepare for Bank assistance as opportunities arise;
- In countries in transition from conflict: to support economic and social recovery and sustainable development through investment and development policy advice, with particular attention to the needs of war-affected groups who are especially vulnerable by reasons of gender, age, or disability.

Among the “especially vulnerable groups” are children, the elderly, and women. Moreover, the World Bank considers that women who are widowed and assume new roles as heads of households, as well as women who have experienced sexual abuse in warfare, may require targeted assistance.

As shown in this study, the findings and recommendations of a TC could advance the objectives of the World Bank concerning poverty reduction and economic and social recovery. A TC with a gender perspective could be vital to understanding the needs of women as a “war-affected group.”

The World Bank also recognizes the incomplete state of knowledge of the links between development assistance and conflict. The Bank's analytical work in the area of conflict attempts to increase understanding of the root causes, catalysts, indicators, and policy implications of conflict and postconflict recovery. In all these aspects, a TC's report may be useful and important. A TC's report may also be useful in the preparation of the Interim Strategy Note (ISN), a short- to medium-term plan for Bank involvement in a country in transition from conflict.

However, the involvement of the World Bank in a TC process should be framed clearly, as members of the World Bank's staff have pointed out. The lack of adequate capacity and expertise on the part of the Bank in this area should be taken into consideration. Some members of the Bank's staff believe that expansion into new areas could raise concerns among other development partners that the new interventions encroach upon their mandate and funding sources.⁸⁰ For these reasons, the possibility of World Bank participation in a TC process should be closely analyzed and discussed by World Bank staff in order to fully assess the possible benefits and limitations of such involvement.

One possible limitation on involvement could be the requirement that the Bank shall not interfere in a

country's political affairs or be influenced by the political character of its members. In this sense, only economic considerations are to be relevant to World Bank decisions.⁸¹ Thus, discussions of the meaning of "political affairs" should be encouraged. It is clear that the Bank may not convene a tribunal to judge a member country's policies during an armed conflict or a repressive regime. But could it facilitate financial support to an unstable country afflicted by armed conflict and human rights violations? If so, under what conditions? Do those conditions constitute judgment of, or interference in, the political affairs of the member state?

The Bank's approach to armed conflict, transitional justice, gender, and human rights has changed in recent years, as evidenced by the Bank's first grant *for women's human rights* in Uruguay,⁸² the objective of which is to tackle domestic violence.

Further limits on Bank involvement in a TC process may be found in OP 2.30, which establishes that the World Bank does not engage in peacemaking or peacekeeping, which are functions of the United Nations and certain regional organizations. Moreover, the World Bank does not provide humanitarian relief or direct support for disarming combatants. However, the Bank does work, within its mandate, in close partnership with bilateral and multilateral agencies, particularly the United Nations and other international and regional institutions responsible for peacemaking, peacekeeping, security, humanitarian assistance, and reconstruction and development; with government authorities; and with civil society and private sector entities that have complementary mandates and common concerns. The World Bank and the United Nations agree that, while it is independent, the Bank must have due regard for the decisions of the Security Council taken under Chapter VII of the U.N. Charter.⁸³ Within this context, the Bank has been able to assist its members by financing activities that touch on peace, reconstruction, and reconciliation, provided relevant economic considerations exist and the activities are geared toward achieving development ends and can be carried out without real or perceived political interference or discrimination based on political systems.⁸⁴ The information included in a typical TC's final report is relevant to all of these aspects.

The objective of the Bank's gender and development policy (OP/BP 4.20) is "to assist member countries to reduce poverty and enhance economic growth, human well-being, and development effectiveness by addressing the gender disparities and inequalities that are barriers to development, and by assisting member countries in

formulating and implementing their gender and development goals."⁸⁵ Such gender disparities and inequalities may be revealed in a TC's report and may be important for the Bank's work in the country.⁸⁶

The Bank is committed to conducting Country Gender Assessments (CGAs). According to OP/BP 4.20, such assessments include

- a description of
 - the different socioeconomic roles of women and men, covering their participation in both the market and household economies
 - male–female disparities in access to, control over, and use of assets and productive resources
 - male–female disparities in human development indicators
 - the relative participation of women and men in development decision making
 - laws, institutional frameworks, norms, and other societal practices that lead (implicitly or explicitly) to gender discrimination and gender inequality
- a review of the country context, including the country's policies, priorities, legal and regulatory framework, and institutional arrangements for implementing its gender and development goals.

The Bank's OP/BP 4.20 calls for the findings of the CGA to be incorporated in policy dialogue with the client country and reflected in the CAS. In sectors and thematic areas where the country assistance strategy (CAS) has identified the need for priority gender-responsive actions, the relevant sector managers ensure that Bank-financed projects and other Bank activities are gender-responsive. Task teams working on specific operations in these sectors then determine how these actions will be optimally integrated into Bank-financed projects.

A TC report prepared with a gender perspective is likely to contain a wealth of information that could be usefully incorporated into the CGA and into the Bank's projects and work in the country.⁸⁷ The process that begins once the TC finishes its work will provide a good idea about the implementation of the TC's proposals, their authentic impact in society, and the real responses of the governments involved.

Ongoing reviews of gender-related challenges and policies in some of the units of the World Bank may provide a better understanding of the relevance of gender-sensitive TC reports.

In the Africa Region,⁸⁸ the gender team has identified the following priority areas: (a) economic policy; (b) indicators and statistics; (c) country gender

assessments and country environmental and sector work; (d) HIV/AIDS; (e) infrastructure; and (f) law. This study shows that the reports of South Africa and Sierra Leone addressed these topics in detail.

In Latin America and the Caribbean,⁸⁹ pressing topics are the high rates of maternal mortality, teenage pregnancy, and child labor; the transmission of HIV/AIDS; and the lack of jobs and income opportunities for young adults. The World Bank has determined that these issues are critical in the fight against poverty, as they undermine the capacity of the poor to make use of available economic opportunities. In this context, the Peruvian TC's report is useful, since it explains the new roles assumed by men and women during the conflict that have had an impact on the economies of Peruvian cities. The displacement of whole populations also influenced the distribution of resources, employment, and wages. The Peruvian TC had to pick and choose its gender-related topics because of a lack of resources and the late incorporation of the gender perspective in its work. If the gender perspective had been included from the beginning, topics such as the transmission of HIV/AIDS could have been analyzed, making the end product even more relevant to the World Bank's work—a clear reason why the Bank could benefit from engagement in the TC process and supporting the incorporation of a gender perspective in it.

The priorities of the World Bank on gender and transitional countries⁹⁰ have been stressed in Bank's policies. Here the World Bank emphasizes that gender issues in the transitional countries of Europe and Central Asia are very different from those in other regions of the world. In general, the World Bank recognizes that in these societies, men and women have been affected by gender inequality. Men face an increased risk of unemployment, and male unemployment has increased men's stress levels and adversely affected their health and longevity. On the other hand, the dismantling of state support to the family has increased the burden on women for nurturing activities. Reduced pension benefits have left elderly women at greater risk of poverty and hardship.

Gender inequalities in education in the region are growing. While in Central Europe, boys are dropping out of secondary school in greater numbers, in Central Asia, the enrollment of girls in schools is falling. In Central Asia and Azerbaijan, the growing disadvantage faced by women in education, employment, and health care is threatening economic growth. Finally, the deterioration in the quality and availability of reproductive health services in some countries has adversely affected women's health.

Women are increasingly vulnerable, and their welfare is threatened by the rise in human trafficking.

Although a TC has not operated in the region, the similarities among gender issues and postconflict situations remain. TC reports could be important to address the issues affecting the region. Although the report's conclusions should be related to the country involved, there is no reason why they should not be used as hypotheses or starting points for further analysis, just as the Peruvian TC used the Guatemalan TC's findings as its starting point. This strategy was very important, since it helped the Peruvian TC to begin its investigations, to understand the challenges that it would have to assume, and to give attention to some details that might not have been identified without the Guatemalan precedent.

Therefore, the World Bank could benefit not only from TCs in general, but also from the incorporation of a gender approach in the TCs. In other words, if a TC could contribute to the World Bank's work, a TC that builds in a gender perspective would be even more useful.

There is a clear link between TC proposals and other areas of World Bank concern, such as legal and judicial reform. To the extent that the truth-and-reconciliation process involves strengthening the judiciary and the courts, the World Bank may be able to provide assistance relying on its past experience in this area and using the TC's recommendations.

The Peruvian TC's recommendations on justice have been incorporated in the Peru Justice Services Improvement Project, a Bank-financed loan, and the Civil Society and Rule of Law Project, a JSDF grant. In the same sense, recommendations of the Sierra Leone TC related to customary law could serve as guidelines for the World Bank's work. Former members⁹¹ of the Sierra Leone TC believe that a vital first step in the area of customary law is to codify it, so as to be better able to update it according to international law. Keeping in mind that customary law is often discriminatory against women; codification could be an important aspect to be considered by the World Bank in order to guarantee a gender perspective in implementation of the rule of law.

Although the World Bank does not deal with criminal justice, impunity for perpetrators of gross violations of human rights has an enormous impact on societies and is one of the causes of new conflicts. Moreover, it is unlikely that a country would need support for legal reform in all areas *except* criminal law. The World Bank has used information and data from members' criminal-law institutions in shaping its activities. For example, in the case of the Uruguay

grant, one of the sources of information was the National Directorate for the Prevention of Crime, which established that a woman dies every nine days as a result of domestic violence in that country.⁹²

According to members of its staff, the World Bank is just starting to develop an approach to transitional justice⁹³ as an element directly linked with postconflict societies. This discussion should include the TC process as a transitional-justice mechanism. Information included in TCs' final reports (on the impact of the violence in education and health services, on trauma rates among victims and survivors, and on the reintegration of former combatants, among other topics) could prove very useful for World Bank policy dialogues and operations. Gender-based information, such as the new roles of men and women during armed conflict or under a repressive regime, or the new composition of families once the violence ends, is also included in a final report prepared with a gender perspective. That, too, would be useful for the World Bank's activities.

Participation of the World Bank in a TC process could have several levels or points of entry. The most obvious and least problematic is the use of the TC report as a source of information that could complement the evaluation of members' project proposals and contribute to the elaboration of the policies and programs that the World Bank implements in the region. Moreover, the World Bank could analyze the nexus between gross violations of human rights, socioeconomic policy, and gender analysis. For instance, the South African TC conducted hearings on the business community and its role in apartheid, but the gender dimensions of these issues have not been explored. There are other aspects of the political economy of apartheid (wages, employment segregation, forced removals) where gender analysis has been conducted; this information could be very important for analytical work conducted by the World Bank. In the Peruvian case, there were important gender dimensions to the economic causes and consequences of human rights violations, such as the widespread displacement of women and children and a phenomenal rise in female-headed households in many communities affected by violence.

Another level of World Bank involvement in a TC could be in the implementation of the TC's proposals for reparations and institutional reforms. The World Bank should consider that some of its client countries are in the process of implementing such proposals, and could seek World Bank support for projects and loans that, in accordance with the TC's

proposals, would promote socioeconomic growth and the rule of law. Such interventions would constitute a concrete opportunity for the World Bank to participate in the TC process without risk of exceeding its mandate or purposes.

Participation of the World Bank in the Implementation of Recommendations Concerning Judicial Reform and Access to Justice

As suggested by the final reports of the TCs examined in this study, several issues should be addressed in future projects related to judicial reform and access to justice. Some of these issues are general; others are focused on women:

- Prosecution is not always the form of justice sought by women affected by violence. In many cases, women link "justice" with adequate education, health services, and housing for their children. Many women who became pregnant after rape would rather have the perpetrator bear the costs of raising the child than go to jail.
- Customary law, the main source of justice in many societies, should be codified and compared systematically with international human rights law. This would benefit women and advance their rights.
- Criminal and procedural codes should be updated to reflect developments in international criminal law and international human rights law. This is especially crucial for cases of sexual violence against women. In this sense, standards of proof, the statute of limitation, and facilities in which women victims can give their testimony should be incorporated in any program of judicial and legal reform.
- Training for judges and prosecutors should include not only references to international human rights law but also gender as a valid category of analysis. Moreover, training should be implemented for professionals (doctors, psychologists, forensic specialists) who participate in the investigation of cases of sexual violence.
- Gender parity should be considered when establishing courts and legal institutions. Although parity is not a guarantee of gender awareness, it implies the recognition of the

importance of women's needs and voices in the legal process.

- Dedicated resources should be provided for special offices dealing with human rights cases. If not, the offices responsible for such cases will not be able to focus on human rights, and their personnel will not develop the necessary specializations. Domestic legislation should specify that military courts should not have jurisdiction to prosecute perpetrators of human rights abuses.

Conclusions

1. Truth commissions (TCs) are created to research and report on massive human rights violations occurring during periods of armed conflict or under a dictatorial or repressive regime. When their work ends, TCs release a report of their main findings and recommendations for reparation and the prevention of future abuses. Most TCs have operated and formulated their proposals without benefit of a gender perspective.
2. Incorporating a gender approach into a human rights investigation and, more specifically, into a TC's work is still a new process. There is scant literature on the matter and few precedents. Almost no TCs have been designed with a gender perspective in their mandate or in composition.
3. In general, a gender approach enables the TC to distinguish between the consequences of human rights violations for men and women. It also reveals that women's experience of conflict, violence, and repression has typically been ignored in favor of men's views and needs and makes possible a gender-sensitive program of reparations for victims of abuse. The invisibility of women as victims and as active participants in armed conflict contributes to their overall invisibility in the process of peace negotiation and conflict prevention. A gender balance in the composition of a TC can benefit its operations.
4. TCs are becoming increasingly common around the world. Postconflict societies use TC proposals in the drafting of new constitutions and domestic norms. Proposals for reform deal with constitutional and criminal law, access to public education, improvement of health services for victims and their relatives, and other matters that present opportunities to improve women's situation and to eradicate gender-based discrimination that impedes the full development of societies.
5. Some TCs have included a gender analysis or a special concern for women's human rights in their work and final report. These experiences have demonstrated that gender-sensitive approaches can have important consequences not only for reparations of victims of human rights abuses, but also for the prevention of future conflicts. The gender perspective used in those cases reveals that the subordination and discrimination that affect women daily were also factors during the armed conflict or repression, impeding their access to justice and reparation. It also makes it possible to examine the relationship between women's economic activities and strategies developed during the conflict or the repressive regime for the survival of families and relatives. These strategies have an impact on women's roles and position in their societies and on the development of social organizations and movements.
6. A gender perspective in a TC's report can affect the modification of laws and patterns of behavior that have contributed to inequality and discrimination. In sum, the incorporation of a gender perspective in the work and final reports of TCs discredit the gender-blind belief that women and men are affected by conflict in similar ways and with similar consequences. For these reasons, TCs that try to incorporate a gender analysis in their work should be studied and better understood.
7. Recognizing the differences between women's and men's experience during and after civil conflict, the World Bank is attempting to better understand the gender dimensions of its work. In this sense, the work of TCs has important relevance and implications for the Bank's own work.
8. TCs in Peru, Sierra Leone, and South Africa incorporated a gender perspective or a women's approach. Although it can not be said that any of the three TRCs developed a complete gender analysis, they are important efforts in the matter. With more resources, more prior debate on the subject, and the support of international actors, it might have been possible in the cases studied to develop a more complete gender analysis. This should be considered by international donors and development agencies.

Annexes

Annex 1	Literature Review	32
Annex 2:	Web-based Resources	46
Annex 3a:	Questionnaire for Interviews with World Bank Staff	47
Annex 3b:	Questionnaire for Expert Interviews	48
Annex 4:	List of Experts	49

Annex 1: Literature Review

Gender, armed conflict, peacekeeping

Abdela, L. 2003. “Kosovo: Missed Opportunities, Lessons for the Future.” *Development in Practice* 13 (2–3): 208–216.

The growth in the number of “small wars” has led to a proliferation of postconflict reconstruction efforts. The experience in the Balkans with postwar reconstruction can provide a significant contribution to further learning, as much learning still needs to be done in view of the messy, poorly conceived, and chaotic manner in which the outside world stepped in and tried to help in the 1990s. Among the most important lessons that emerged was the need to include women fully in peace building. In the case of Kosovo, as elsewhere, the international effort was dominated by men, with little insight into or concern about addressing gender inequalities. This indifference in turn pervaded assistance programs, with particularly damaging effects for local women.

Afshar, H. 2003. “Women and Wars: Some Trajectories towards a Feminist Peace.” *Development in Practice* 13 (2–3): 178–188.

This paper explodes a number of myths about women’s absence from wars and conflict, weighs their vulnerabilities in such circumstances, and offers some feminist perspectives for addressing problems. The paper considers the conflicting demands made on women in wars and revolutions, arguing that different historical processes result in different postconflict policies toward women. There is, however, a common set of experiences that universally marginalize women in the postconflict and reconstruction phases. Even when women have participated actively in wars and revolutions, they are heavily pressured to go back to the home and reconstruct the private domain to assert the return of peace and “normality.” The paper contends that the insistence on locating women within the domestic sphere in the postwar era may be counterproductive and located in the historical construction of nationhood and nationalism as masculine in nature and demands.

Anderlini, Sanam Naraghi. 2005. “Peace Through Justice or Justice Through Peace? Women and Transitional Justice.” *Development* 48 (3): 103–110. September.

The author reflects on the experiences of women who have survived war and its atrocities and are working

for peace and social reconstruction. She argues that indictment of war criminals alone does not address the immediate and long-term needs of the maimed and the raped, orphans, and AIDS carriers. Other forms of justice may include reparations, support and care, access to health care and education, and opportunities to gain skills and become employed. But at the very minimum it means living free of discrimination and ostracism, beyond their victimhood, and having the right to a dignified life.

Bouta, Tsjeard, Georg Frerks, and Ian Bannon. 2005. *Gender, Conflict, and Development*. Washington, DC: World Bank.

This book provides a comprehensive analysis of gender and conflict, focusing on the policy relevance of the information for development institutions. The study analyzes several gender dimensions of conflict—among them female combatants, sexual violence, formal and informal peace processes, legal frameworks, and rehabilitation of social services. The authors examine how conflict changes gender roles and suggest ways for policy makers to take advantage of opportunities afforded by conflict to encourage development of inclusive and gender-balanced social, economic, and political relations in postconflict societies.

Bridge. 2003. “Gender and Armed Conflict.” *Institute of Development Studies, University of Sussex*. August. http://www.bridge.ids.ac.uk/reports_gend_CEP.html#Conflict

This report recognizes that armed conflict results in gender-specific disadvantages, particularly for women, which are not always recognized or addressed by the gender-blind understandings of conflict and reconstruction. Armed conflict is often accompanied by expectations that men will fight and women will support them “on the home front.” The report argues that international organizations, governments, and nongovernmental organizations (NGOs) vary from ignoring women or taking a gender-blind approach to treating women stereotypically. Still others view women without considering their relative inequality in the context of gender relations. Furthermore, many governments have yet to ratify the international commitments designed to protect the human rights of women and girls during and after armed conflict. The report makes some recommendations to improve this situation. The BRIDGE program offers additional tools on gender and armed conflict, such as international documents, examples of practical

strategies around the world (Palestine and Peru), useful Internet resources, and a list of organizations.

Caprioli, M. 2000. "Gendered Conflict." *Journal of Peace Research* 37 (1): 51–68.

This study quantitatively tests the relationship between state militarism and domestic gender equality. The international relations literature on the actual and potential impact of women on foreign policy suggests that women are more peaceful, in that they are less likely than men to support the use of violence. Other research indicates that a domestic environment of inequality results in state militarism on the international level. Both lines of inquiry suggest that a domestic environment of equality between women and men would lead to greater state pacifism, and four hypotheses are developed to test this relationship. This study substantiates the theory that domestic gender equality has a pacifying effect on state behavior.

Cockburn, Cynthia. n.d. "Gender, Armed Conflict and Political Violence." In *Gender and Peacekeeping Training Course*. http://www.genderandpeacekeeping.org/resource/s/3_Gender_Armed_Conflict_and_Political_Violence.pdf

In this paper, the author takes a gendered look at some important aspects of the cycle of peace and war, including the differences between the male and female bodies, their characteristic roles in society, and gender ideologies. The author states that gender consciousness invites us to see how women and men may be positioned differently, have different experiences, different needs, different strengths and skills; and how in different cultures these differences have different expressions. It also invites us to notice gender relations and to see how they shape institutions like the family, the military, the state; how they intersect with relations of class and ethnicity; to see how power, oppression and exploitation work in and through them. In this sense, the paper shows some of the gendered features of political violence and armed conflict in their various phases and manifestations.

Cockburn, Cynthia. 2001. "The Gendered Dynamics of Armed Conflict and Political Violence." In *Victims, Perpetrators or Actors?: Gender, Armed Conflict and Political Violence*, ed. Carolina O. N. Moser and Fiona C. Clark, 13–29. London and New York: Zed Books.

This book analyzes the gendered nature of armed conflict and political violence, providing a broad

understanding of the complex, changing roles and power relations of women and men under such circumstances. The involvement of women in armed conflict has received little attention; treatments usually portray a simplistic division of roles between men as aggressors and women as victims, particularly of sexual abuse. As a consequence, the gendered causes, costs, and consequences of violent conflicts have been at best underrepresented and more often misrepresented.

Coomaraswamy, Radhika, and Dilrukshi Fonseka, eds. 2004. *Peace Work: Women, Armed Conflict, and Negotiation*. New Delhi: Women Unlimited.

The articles in this book explore the multiple ways in which women relate to war and peace, assessing their participation and unraveling their potential for shaping a more stable and peaceful social structure. The book stresses the need to understand both the in-depth reality of each particular conflict (Sri Lanka, the Philippines, Japan, Ireland, Yugoslavia, South Africa, and the Indian subcontinent) and the experiences of women peace-workers across these different sites in a comparative perspective. It underlines the importance of women's participation in forging partnerships for a lasting peace.

Chinkin, Christine. 2003. "Gender, Human Rights, and Peace Agreements." *Ohio State Journal of Dispute Resolution* 18 (3): 867–886.

Chinkin's study examines the relationships among gender, peace agreements, and international human rights, as well as the role of gender and human rights in peace building. The author identifies the obstacles to women's participation in peace talks and considers the difference it might make to the process if women were included. She also analyzes some issues that might be included in a peace agreement if the negotiators took seriously the requirement of gender mainstreaming, such as institutional arrangements, support from the international community, and inclusion of equality provisions, among other aspects.

El-Bushra, J. 2003. "Fused in Combat: Gender Relations and Armed Conflict." *Development in Practice* 13 (2–3): 252–265.

This document, combining oral testimony with more conventional research methods, concludes that conflict has given women greater responsibilities, and with them the possibility of exerting greater leverage in decision making and political participation. The research sheds light on the role of ordinary citizens as actors responding to crisis and describes how gender

identities are woven into a complex web of cause and effect in which war can be seen as a “conflict of patriarchies.”

Gardam, Judith. 1998. “Women, Human Rights, and International Humanitarian Law.” *International Review of the Red Cross* no. 324, pp. 421–432. September. <http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList139/FF13FAC9B9F8.5505C1256B66005C4356>

This article recognizes that women are typically victimized in situations of armed conflict and that their experiences of war are different from men’s. The author explains that war exacerbates the inequalities that exist in different forms and to varying degrees in all societies. Women are therefore unable to draw attention to the special difficulties they experience in conflict situations and, moreover, are powerless to recommend preventive action. Against that background, the article considers the extent to which the focus on women’s human rights and the advances made in the protection of women under human rights law has had an impact on international humanitarian law. That impact can be seen primarily in developments surrounding the criminalization and punishment of sexual violence against women in armed conflicts.

Gardam, Judith, and Hilary Charlesworth. 2000. “Protection of Women in Armed Conflict.” *Human Rights Quarterly* 22: 148–166.

The author states that the focus on violence against women during armed conflicts—in particular on sexual violence—tends to obscure other important aspects of women’s experience of armed conflict. The article moves on to consider a range of ways in which women are affected by armed conflict and assesses the adequacy of international law in providing protection. Armed conflict often exacerbates inequalities (in this context, those based on gender) that exist in different forms and to varying degrees in all societies and that make women particularly vulnerable when armed conflict breaks out. These inequalities continue after the cessation of hostilities. Women are often excluded from the reconstruction processes that take place after armed conflict, and from peace-building initiatives. The author argues that international humanitarian law is intended to provide protection for victims of armed conflict, but that its provisions operate in a discriminatory fashion in relation to women.

ICRW (International Center for Research on Women). 2005. “Gender Equity and Peacebuilding: From Rhetoric to Reality: Finding the Way.” <http://www.reliefweb.int/rw/lib.nsf/db900SID/JDAB-5P2HKE?OpenDocument>, accessed December 2005.

This report summarizes key findings and questions related to the effective integration of gender concerns into policies and programs that shape postconflict societies. It examines the following issues: converging realities in gender, conflict, and peacebuilding; the changing international context since 1998; gender, human rights, and peace-building; and key issues for transformative approaches. Based on a review of recent literature on issues of gender in the context of conflict and postconflict reconstruction, the paper was prepared as background material for an international workshop on gender equity and peacebuilding jointly convened by the International Center for Research on Women (ICRW) and the International Development Research Centre (IDRC).

Jacobson, R. 1999. “Complicating ‘Complexity’: Integrating Gender into the Analysis of the Mozambican Conflict.” *Third World Quarterly – Journal of Emerging Areas* 20 (1): 175–187.

A case study of the Mozambican conflict illustrates the need to integrate a historically grounded gender perspective that goes beyond the investigation of the impact of conflict on women to encompass social relationships between women and men. The author first examines the ways in which postcolonial states have continued constructions of gender that assign women to the private/domestic sphere, before moving on to demonstrate how security in Southern Africa has been mediated by gendered constraints, both in peace and war. The specific character of the Mozambican conflict is summarized, as are its outcomes in terms of gender relations, which have intensified women’s vulnerability. The author then examines some of the major humanitarian responses to the Mozambican emergency, in which there was a wide divergence between stated policies on gender and practice. It is argued that this gender gap is being perpetuated in some aspects of the reconstruction phase, despite women’s enormous contribution to the task of rebuilding Mozambican society.

Karam, A. 2001. "Women in War and Peace-building: The Roads Traversed, the Challenges Ahead." *International Feminist Journal of Politics* 3 (1): 2–25.

This article surveys the status of women in the literature on war and conflict, concluding that most of it tends to view women as victims rather than as actors, largely as a result of patriarchal structures. The author argues that women in fact occupy distinctive roles and create different fates for themselves, as war is also a site of potential change. The article presents the diverse situations and conditions of women in war, while arguing for the need to integrate women in peace negotiations from their outset. The manner of these inclusions, and the potential outcomes, are also presented and discussed. The article surveys some of the best practices with respect to both the analysis of women's roles and the inclusion of women working in conflict situations, with a view to encouraging international organizations, in particular, to ensure that women are not only fighters and victims, but also negotiators of postconflict futures.

Leslie, H. 2001. "Healing the Psychological Wounds of Gender-Related Violence in Latin America: A Model for Gender-Sensitive Work in Postconflict Contexts." *Gender and Development* 9 (3): 50–59.

This article presents a model of healing that conceptualizes and addresses the psychological effects on women of gender-related violence in the postconflict context. The model is drawn from the experience of an El Salvadorian NGO, Las Dignas, and from the gender and development literature.

McKay, S. 2000. "Gender Justice and Reconciliation." *Women's Studies International Forum* 23 (5): 561–570.

Gender justice within the context of armed conflict and its aftermath refers to legal processes that are equitable, not privileged by and for men, and that acknowledge ways in which women uniquely experience harm. Typically, gender justice is neglected in favor of achieving reconciliation, which is driven by patriarchal interests favoring the powerful and disenfranchising the oppressed. This article's purpose is to explicate thematic concepts from writings about justice and reconciliation, to contrast religious and secular perspectives, and to expand current discourses about how gender justice can be created and maintained within postconflict reconciliation processes. It emphasizes the importance of truth-telling within the framework of

gender justice and psychosocial healing as essential components of reconciliation processes. The author argues that gender justice must occur if reconciliation processes are to succeed and that governments, communities, and individuals must accept responsibility for ensuring that justice.

Moser, C., and F. C. Clark. 2001. "Gender, Conflict, and Building Sustainable Peace: Recent Lessons from Latin America." *Gender and Development* 9 (3): 29–39.

Latin American experiences of conflict and of building sustainable peace have not benefited from gender analysis of the impacts of conflict or of the peace negotiations that end it, much to the detriment of many women and men affected by and involved in the civil strife that has ravaged the region during the last 30 years. What do Colombian women and men have to learn from these experiences? In May 2000, a workshop entitled "Latin American Experiences of Gender, Conflict, and Building Sustainable Peace" was held in Bogotá, Colombia with representatives from several Latin American countries. This paper highlights some of the issues raised at the workshop and offers lessons and recommendations for others working in the fields of conflict analysis and resolution, humanitarian assistance, and interventions for peace and development.

Mujer y Conflicto Armado. 2003. "Informe sobre Violencia Sociopolítica contra mujeres y niñas en Colombia." Bogotá.

This report analyzes the forms of violence against women and girls in the context of the Colombian armed conflict. It includes various situations where women are affected in a specific way. For example, the report presents cases of violence against women's organizations, sexual violence against women, and the difficult circumstances of displaced and refugee women. It also analyzes the impact of the armed conflict on Afro-Colombian and indigenous women and examines cases of domestic violence and their relation to the conflict.

Netherlands Institute of International Relations. 2005. "Women's Roles in Conflict Prevention, Conflict Resolution, and Postconflict Reconstruction." <http://www.reliefweb.int/rw/lib.nsf/db900SID/JDAB-5P2BYE?OpenDocument>, accessed December 2005.

This review examines the roles and positions of women before, during, and after armed conflict, (as victims, as combatants, and as peace activists) and

considers challenges in policy and practice. It provides an institutional analysis of 16 organizations, covering their mandate, policy, structure, expertise, activities, and budget from the perspective of women and armed conflict. The review is aimed primarily at staff and policy makers in the United Nations, other international organizations, and international tribunals and courts who wish to assess and improve the situation of women in armed conflict.

Ramsey Marshall, Donna. 2000. "Women in War and Peace. Grassroots Peacebuilding." *Peaceworks* no. 34 (U.S. Institute of Peace). August.

This report of a seminar entitled "Perspectives on Grassroots Peacebuilding: The Roles of Women in War and Peace," organized in September 1999 by the United States Institute of Peace, points out that analyses of war and peace often overlook or dismiss the crucial role of women, especially at the grassroots level, in favor of "policy elites" and "high policy matters." The report examines the achievements of women working to end violent conflict in their communities and the implementation of and support for these women's peace movements. Finally, it deals with the contribution of women to postconflict reconciliation and reconstruction efforts.

Rehn, Elisabeth, and Ellen Johnson Sirleaf. 2002. "Women, War, and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding." New York: United Nations Development Fund for Women.

This report identifies a common pattern in intra-state conflicts—women are brutalized and victimized both during and after the conflicts. In spite of this, women always seem to take on their responsibility in reconstructing a sustainable peace. The report offers many recommendations to the international community on how the victimization of women in conflict can be mitigated. It also identifies the need to build on women's efforts to construct peace and calls on the United Nations to support a 30 percent quota for women in general elections after conflicts. The report covers many areas of concern, from the gender dimensions of violence and displacement during conflict to the role of peacekeepers and the need for women to play a central part in peace negotiations and reconstruction.

Rojas, Cristina. 2005. "Género, Conflicto y Paz en Colombia: Hacia una agenda de investigación." <http://www.idrc.ca/uploads/user-S/10561369030workingpaper6.pdf>, accessed November 2005.

One of the important findings of this review is that research on gender is a relatively new field in Colombia and still tends to be ghettoized in women's studies centers rather than mainstreamed in curricula and research programs. It shares with other research programs a host of difficulties faced by Colombia's research community: the difficulties of scarce funding; a lack of qualified human resources with advanced academic credentials; the critical state of Colombia's scientific community, weakened by the polarizing effects of the conflict; limited international linkages; a low degree of influence of research upon official peacemaking initiatives; and security risks to researchers who address controversial issues and attempt to advance policy change. The study also shows that gender research in Colombia still tends to focus mostly on traditional development issues, family relationships, identity formation, and violence against women.

Sideris, T. 2003. "War, Gender and Culture." *Social Science and Medicine* 56 (4): 713–724.

Analyses of the psychological sequelae of war-related violence in women tend to rely on concepts developed in research on male combatants. Posttraumatic stress disorder and varying combinations of its symptoms are identified as the principal outcomes of war-related events for women. By and large, the dominant literature does not examine other outcomes that could be gender-specific. This paper refers to the war in Mozambique during the 1970s and 1980s as a typical illustration of how women are an integral part of the battlefield. It draws on research on African women and uses testimony of Mozambican women refugees who settled in South Africa to explore how gender is linked to the psychosocial outcomes of massive social conflict. The paper argues that a richer understanding of the psychosocial outcomes of war and the needs of survivors can be gained by investigating gender in specific historical situations.

United Nations. 1998. “Sexual Violence and Armed Conflict. Women 2000.” Division for the Advancement of Women, Department of Economic and Social Affairs. April.

This document, published to promote the goals of the Beijing Declaration and the Platform for Action, addresses the failure of the international community to address the issue of wartime sexual violence during the early years of the United Nations. Developments are tracked through the early 1990s, when the international community finally recognized that human rights violations committed against women during armed conflict, including sexual violence, violate fundamental principles of international human rights and humanitarian law. The manner in which sexual violence during armed conflict emerged as an item of serious concern within the United Nations is also examined. Moreover, the role of women’s NGOs in exerting pressure for change is highlighted, and the United Nation’s response described. The concluding section examines how the issue may be advanced in the next century.

UNIFEM. 2002. “Impacto de los conflictos armados en las mujeres y su papel en la construcción de la paz, Recomendaciones: Informe de Expertas Independientes.” UNIFEM Andean Region, Program on Peace and Security in Latin America, Bogotá.

This document compiles recommendations concerning violence against women, refugees and internally displaced women, health, AIDS, peace and peacekeeping operations, justice, media, conflict prevention, and postconflict reconstruction. It emphasizes the importance of analyzing the impact of armed conflicts on women and strengthening the mechanisms for protecting them. It also establishes the need to end impunity for perpetrators of crimes against women and the importance of promoting women’s full participation in the peacekeeping processes.

U.N. High Commissioner for Human Rights. 2002. “Derechos de la Mujer.” Colombian office, Bogotá. December.

This manual has the following sections: questions and answers about human rights of women, international documents for the protection of women’s rights, women’s participation in peace-building and democracy, documents of the special rapporteur on violence against women, causes and consequences of violence against women, and interpretations of women’s rights by international organizations. The

manual includes declarations, covenants, and international resolutions. It also includes a section containing recommendations to Colombia from international organizations (1980–2002) related to sexual abuse, human rights of women, sex discrimination, gender in public policies, reproductive health and family planning, trafficking of women, and violence against women.

UNDP (United Nations Development Programme). 2005. “Gender Approaches in Conflict and Postconflict Situations.” <http://www.reliefweb.int/rw/lib.nsf/db900SID/LG-EL-5LLC53?OpenDocument>, accessed November 2005.

This manual on gender approaches aims to support and strengthen the capacity of UNDP staff working on recovery and rehabilitation activities in crisis and postconflict situations to mainstream gender equality objectives. It aims to assist staff in incorporating an effective gender perspective in the planning and implementation of recovery programs. It was compiled during a seminar entitled “Gender Approach in Emergency, Conflict, and Postconflict Situations,” held in Rome in April 2001.

USAID (United States Agency for International Development). 2005. “The Role of International Assistance Aftermath: Women and Women’s Organizations In Postconflict Societies.” <http://www.reliefweb.int/rw/lib.nsf/db900SID/LG-EL-5JHCTY?OpenDocument>, accessed December 2005.

Based on field investigations in Bosnia and Herzegovina, Cambodia, El Salvador, Georgia, Guatemala, and Rwanda, this report is part of USAID’s ongoing studies on the rehabilitation and reconstruction of societies ravaged by civil wars. Through its assessment of gender issues in six postconflict societies, the report aims to generate a body of empirical knowledge to inform the policy and programs of USAID and other donor agencies in order to improve the performance and impact of their postconflict interventions.

Women Waging Peace. 2004. Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action. Cambridge, MA.

This toolkit highlights the roles and contributions of women at the regional, national, and local levels who are breaking new ground in peacemaking and reconstruction. Issues of conflict, peace, and security are related to women’s experiences, with emphasis on how women are affected and how they contribute to

peacemaking, peace-building, and security processes. The toolkit also provides information on international human rights agreements and policies that promote the integration of women's human rights into all policies, programs, and processes that affect women's peace and security. The following major themes recur throughout the toolkit: education and training; gender-based violence; disability; international law; culture; trafficking; gender mainstreaming; religion; and girls, boys and youth.

Williams, S. 2001. "Contested Terrain: Oxfam, Gender, and the Aftermath of War." *Gender and Development* 9 (3): 19–28.

This paper explores the terrain of Oxfam, an international NGO, and some of its difficulties in integrating gender equity goals in the institutional structures and policies that govern its activities in conflict and its aftermath. That terrain is divided into parts that are treated very differently. These are, first, the field of humanitarian interventions in the throes of an emergency and, second, the "nonconflict" field of reconstruction and development. Historically, these two fields of activity have been governed by very different ways of thinking and acting, ways often in conflict with each other. Gender analysis and gender-sensitive programming are central to these differences, and essential tools in the attempts to overcome them. Oxfam acknowledges the differences in approaches to gender equity in these two territories, but the importance of addressing gender equity in order to overcome some of those differences is more complicated and controversial.

Violations of women's human rights

Callamard, Agnès. 1999. "Documenting Human Rights Violations by States Agents: Sexual Violence." Amnesty International and the International Centre for Human Rights and Democratic Development, Québec.

This booklet provides a gender-sensitive approach to research into sexual violence against women perpetrated by state agents. It includes definitions of sexual violence and analyzes cases in which sexual violence is also torture. It also presents the consequences of sexual violence in health and evaluates the implementation of public policies in this area. The booklet helps the reader to prepare for fact-finding missions, provides guidelines for the collection and analysis of evidence, and includes a checklist for conducting interviews. The material was prepared for activists and organizations working on

collecting and disseminating information on violence against women.

Callamard, Agnès. 2001. "Investigating Women's Rights Violations in Armed Conflicts." Amnesty International and the International Centre for Human Rights and Democratic Development, Québec.

The author offers a guide to conducting gender-sensitive research into women's rights violations in situations of armed conflict. Her booklet helps the reader to prepare for fact-finding missions, provides guidelines for the collection and analysis of evidence, and includes a checklist for conducting interviews. It was prepared for activists and organizations working on collecting and disseminating information on violence against women.

Coomaraswamy, Radhika. 2001. "Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences. Submitted in accordance with Commission on Human Rights Resolution 2000/45, Violence against Women Perpetrated and/or Condoned by the State during Times of Armed Conflict (1997–2000), United Nations Economic and Social Council, E/CN.4/2001/73. January 23.

The report illustrates how, since 1997, women and girls have been raped under threat of death by government forces and nonstate actors, by police responsible for their protection, by refugee camp and border guards, by neighbors and local politicians, and by family members. The special rapporteur pays special attention to the specific risks faced by girl children during armed conflict and the specific gaps in protection and assistance to women who are internally displaced. She also highlights the ongoing violence and discrimination that women face in the rehabilitation and reconstruction process, noting that although women make up the majority of heads of household in most postconflict situations, their families and needs are rarely adequately factored into international donor and reconstruction programs or into the distribution of humanitarian aid. The report reviews the important work of the international tribunals for the former Yugoslavia and Rwanda that have set jurisprudential benchmarks for the prosecution of wartime sexual violence. In addition to the work of the ad hoc tribunals, the report discusses the single greatest development since the special rapporteur's last report—the approval on July 17, 1998 of the Statute of the International Criminal Court, known as the Rome Statute, which specifically defines rape and other gender-based violence as

constituent acts of crimes against humanity and war crimes.

Human Rights Watch. 2002. "Global Report on Women's Human Rights." New York, NY. <http://www.hrw.org/about/projects/womrep/>, accessed April 2006.

This report analyzes several cases of abuse of women's human rights in which governments were directly implicated—notably cases of prison guards in the United States, Pakistan, and Egypt who sexually assault women prisoners and detainees. It also includes cases of rape of women by combatants in the course of armed conflict and by abusive security officials in the context of political repression. Examples come from Kashmir, Bosnia-Herzegovina, Peru, Somalia, and Haiti. Burmese refugees and displaced women, in zones where U.N. or governmental protection is inadequate, are robbed and raped by security forces and camp officials. The report also includes cases of abuses against women workers, domestic violence cases, and human rights violations that affect reproduction and sexuality. The report concludes that rape and sexual assault in situations of conflict have been viewed more as the spoils of war than as illegitimate acts that violate humanitarian law. As a consequence, women, whether combatants or civilians, have been targeted for rape while their attackers go without punishment. Rape has long been mischaracterized and dismissed by military and political leaders—those in a position to stop it—as a private crime, in part because it is so commonplace.

Meron, Theodor. 1993. "Rape as a Crime under International Humanitarian Law." *American Journal of International Law* 87: 424. July.

This article studies rape in Bosnia-Herzegovina both as an attack on the individual victim and as a method of ethnic cleansing "intended to humiliate shame, degrade, and terrify the entire ethnic group." It also summarizes the responses of international criminal law and humanitarian law to rape during armed conflict. The author argues that people have always hesitated to recognize that rape can be a war crime, torture, inhuman treatment, and a crime against humanity. In this sense, the approval by the Security Council of the Former Yugoslavia Tribunal's charter, which recognized rape as a punishable offense under international humanitarian law, validates this important normative development and, it is hoped, may expedite the recognition of rape, in some circumstances, as torture or inhuman treatment in international human rights law.

Viseur Sellers, Patricia. 2002. "Sexual Violence and Peremptory Norms: The Legal Value of Rape." *Case Western Reserve Journal of International Law* 34: 287–303. Fall.

This article discusses whether sexual violence is a peremptory norm under international law. Thus, it examines the prohibition of rape as a general norm inscribed in humanitarian law and human rights law. It also reviews the main judgments of international criminal tribunals, asking why rape has not crossed the peremptory norm threshold. Finally, the author observes that, in apparent legal blindness, the community of states wedded the formulation of peremptory norms to a patriarchal vision.

International tribunals

Askin, Kelly. 1999. "Developments in International Criminal Law: Sexual Violence in Decisions and Indictments of the Yugoslav and Rwandan Tribunals: Current Status." *American Journal of International Law* 93: 97. January.

This article focuses on representative sentences from the international criminal tribunals that have dealt with charges of sexual violence. These sentences have contributed substantially to the international law on gender-based international crimes. Unlike the Nuremberg and Tokyo tribunals, which largely ignored gender-based crimes, those for Yugoslavia and Rwanda have surmounted reluctance and other obstacles to address these crimes, despite their sexually graphic nature and traditional insensitivities to women's rights and needs.

Bedont, Barbara, and Katherine Hall-Martinez. 1999. "Ending Impunity for Gender Crimes under the International Criminal Court." *Brown Journal of World Affairs* 6 (1): 65–85.

This article provides background on the effort of the international women's human rights movement to influence the Rome Statute. The authors discuss the prior treatment of the issues under international law before summarizing the Rome Statute's codification of various acts of sexual and gender violence as among the most serious crimes under international humanitarian law. The article explains the structural provisions ensuring that women participate in all levels of the (ICC) International Criminal Court's operations and requiring that the ICC's staff have adequate expertise to deal with sexual and gender violence. Finally, the article explains the provisions that will aid in safeguarding the rights of victims of sexual and gender violence, including those

guaranteeing gender-sensitive methodologies during investigation and trial, as well as adequate protection of victims and witnesses.

Casas, Lidia, and Natacha Molina. 2003. *Guía de Tribunales de los Derechos de las Mujeres*. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), Eschborn, Germany, and Centro de Estudios de Justicia de las Américas (CEJA), Santiago, Chile.

This book starts with a study of the relationship between the principle of equality and dignity and the role of tribunals of justice. It also explains the importance of symbolic tribunals for women that enable the public to learn of cases of discrimination against women in their public and private lives. The document evaluates the impact of the tribunals in Chile organized by the Women's Institute and provides with a guide for establishing similar courts in other countries.

Copelon, Rhonda. 2000. "Gender Crimes as War Crimes: Integrating Crimes against Women into International Criminal Law." *McGill Law Journal* 46: 217.

The author identifies major goals and achievements in the quest to recognize women as full subjects of human rights law and to eliminate impunity for gender crimes, highlighting the role of NGOs in that quest. Until the 1990s sexual violence in war was largely invisible, a point illustrated by examples of the "comfort women" in Japan during the 1930s and 1940s and the initial failure to prosecute rape and sexual violence in the ad hoc international criminal tribunals for the former Yugoslavia and Rwanda. Due in significant measure to interventions by NGOs, the those tribunals have brought gender into the mainstream of international jurisprudence. Elsewhere, the Statute of the International Criminal Court (July 17, 1998) was a landmark in codifying not only crimes of sexual and gender violence as part of the ICC's jurisdiction, but also in establishing procedures to ensure that these crimes and their victims are properly treated.

Mertus, Julie. 2004. "Women's Participation in the International Criminal Tribunal for the Former Yugoslavia (ICTY): Transitional Justice for Bosnia and Herzegovina." *Women Waging Peace*, Cambridge, MA. July.

This study highlights the significant contributions women have made to the ICTY despite challenges and limitations. It demonstrates that the inclusion of women and gender expertise at the ICTY has been

vital not only for the prosecution of crimes committed against women but also for a broader pursuit of justice and the advancement of international law.

NGO Coalition on Women's Human Rights in Conflict Situations. 1997. Letter to Justice Louise Arbour, Chief Prosecutor of the ICTY and ICTR. October 17. <http://www.ichrdd.ca/english/commdoc/publications/women/womtrirw.html>, accessed September 1, 2005.

This document contains information and suggestions from the Coalition on Women's Human Rights in Conflict Situations related to the work of the International Criminal Tribunal for Rwanda (ICTR). The coalition's suggestions were designed to ensure witness protection during the investigative stage, as well as during and after the trial, with immediate attention to witnesses scheduled to testify about sexual violence in the Akayesu trial. They were also intended to strengthen the ICTR's capacity to investigate crimes of gender and sexual violence against women and to reconceptualize these crimes against women as among the gravest crimes within the competence of the tribunal.

Transitional justice, truth commissions, and gender: cases

Brahm, Eric. 2004. "Truth Commissions, Beyond Intractability." http://www.beyondintractability.org/m/truth_commissions.jsp, accessed November 20, 2005.

This essay discusses the evolving practice of truth commissions and explores claims made on their behalf. They are increasingly seen not as weak substitutes for trials, but as having unique benefits that make them superior to trials in some respects. Advocates of truth commissions (as well as other forms of transitional justice, such as war crimes tribunals) argue that some reckoning with the past is necessary in order for former opponents to look to a peaceful shared future. Recognizing that each case has been unique in some respects, the article reviews some of the common elements of truth commissions' creation and operation.

Das, Veena, Arthur Kleinman, Margaret Lock, Mamphela Ramphele, and Pamela Reynolds, eds. 2001. *Remaking a World: Violence, Social Suffering, and Recovery*. Berkeley: University of California Press.

This is the third book on a series of volumes on social suffering, violence, and recovery. The volume explores the ways communities cope with trauma and

other, more insidious, forms of violence, addressing the effects of violence at the level of local words, interpersonal relations, and individual lives. The authors highlight the complex relationship between the recognition of suffering in the public sphere and suffering in people's everyday lives. They include in their work the women's testimony from the first five weeks of public hearings of the South African Truth and Reconciliation Commission.

Hayner, Priscilla B. 1996. "International Guidelines for the Creation and Operation of Truth Commissions: A Preliminary Proposal." *Law and Contemporary Problems* 59 (4): 173–180.

The author suggests some important guidelines for the implementation of a truth commission, which should be followed in conjunction with many of the principles outlined in the U.N.'s "Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity."

Hayner's guidelines recognize that past truth commissions have varied widely in structure, mandate, operating methodology, and end product and that such differences are an appropriate reflection of the needs, constraints, and political culture of each country. However, allowing for variation does not diminish the importance of minimal standards to ensure that the official truth-seeking process is done in good faith and results in an honest and unrestricted investigation.

Instituto Interamericano de Derechos Humanos. 2005. *Verdad, Justicia y Reparación: Desafíos para la democracia y la convivencia social*. San Jose, Costa Rica: IDEA–IIDH.

This book studies the experience of five countries (Argentina, Chile, El Salvador, Guatemala, Perú) that have sought the truth about, and punishment for, the authors of human rights violations. The challenges of an authentic reconciliation and the future of democracies are other main themes.

Powley, Elizabeth. 2003. *Strengthening Governance: the Role of Women in Rwanda's Transition*. Washington D.C: Hunt Alternatives Fund.

This report provides an historical overview of Rwanda, highlighting women's participation in the public arena prior to the 1994 genocide. It also includes a brief examination of the genocide's impact on women and of what women did during that period. Later, it focuses

on the post-genocide period, exploring both the rationale for making gender considerations central to the struggle for peace and better governance, and the impact of such policies. It describes the structures the Rwandan government put in place to encourage women's participation in governance and evaluates their effectiveness as models. Finally, the author considers several key components of good governance—policy formulation, national reconciliation efforts, the national constitution, parliamentary and legislative systems, and the involvement of civil society—and how women have initiated, participated in, and advanced those components.

Rotberg, Robert I., and Dennis Thompson, ed. 2000. *Truth v. Justice: The Morality of Truth Commissions*. Princeton, NJ: Princeton University Press.

The authors look at the process of truth commissions in general and in post-apartheid South Africa, asking whether these institutions are fair and moral means of seeking justice after conflict and whether they are effective in bringing about reconciliation. The book examines the use of reparations as social policy and the granting of amnesty in exchange for testimony. Most of the contributors praise South Africa's decision to trade due process for the kinds of truth that permit closure, but they are skeptical that such revelations produce reconciliation. They conclude that the truth commission is a worthy if imperfect instrument for societies seeking to say "never again."

Schey, Peter A., Dinah Shelton, and Naomi Roth-Arriaza. 1997. "Addressing Human Rights Abuses: Truth Commissions and the Value of Amnesty." *Whittier Law Review* 19: 337.

The article reproduces the presentations of the Fourteenth Annual International Law Symposium on Enforcing International Human Rights Law, organized in 1997. Peter A. Schey focuses his presentation on the evolution of the truth and reconciliation commission in South Africa and the amnesties it granted. Dinah Shelton analyzes the experience of truth commissions in Latin America and the factors that have contributed to their implementation. Naomi Roth-Arriaza presents the choices those different transitional and post-transitional governments have made in regard to issues such as investigation, prosecution, and redress of political crimes, and to what extent those choices are constrained by international obligations.

Villa-Vicencio, Charles. 2000. "Why Perpetrators Should Not Always Be Prosecuted: Where the International Criminal Court and Truth Commissions Meet." *Emory Law Journal* 49: 205–222.

This essay argues that peaceful coexistence and national reconciliation are most likely to emerge where legal, political, and moral absolutes are decalcified under the spotlight of rigorous inquiry and a creative response to political realities. Principled compromise that ignores neither the realities of political context nor the wisdom of judicial insight captured in international human rights law can create a sustainable breakthrough toward peace and reconciliation. The author states that in certain situations of transition, truth commissions provide a realistic way of reaching that objective. He finally argues that there is a need for the establishment of a *modus operandi* that allows for the simultaneous functioning of national and international prosecutions and truth commissions.

World Peace Foundation. 1997. "Truth Commissions: A Comparative Assessment." Transcript of an international meeting, Cambridge, MA.

This debate features experts' opinions on the purposes and justifications for the creation of truth commissions, their optimum institutional design, and their work methods. The participants agree that commissions should be created during a transitional government. The discussion highlights the role of the human rights movement in this process.

Perú

Asociación Pro Derechos Humanos. 2002. "Memoria del Horror: Testimonios de Mujeres afectadas por la Violencia." Lima: APRODEH.

This booklet compiles testimonies of Peruvian women whose children, husbands, or brothers were victims of violence during the Peruvian armed conflict.

COMISEDH (Comisión de Derechos Humanos). 2003. "Democracia y Derechos Humanos." *Revista de la Comisión de Derechos Humanos (special issue on sexual violence against women during the political violence in Peru)*, pp. 8–13. March.

This special issue focuses on the cases of sexual violence suffered by women during the Peruvian armed conflict. It studies sexual violence as a human

rights violation, war crime, and crime against humanity. It focus on cases that occurred in Ayacucho, where most of the documented sexual abuses took place, at the hands of the army and of Shining Path.

Henríquez, Narda. 2002. "Informe sobre Mujer y Violencia Política: Todas las Sangres, Todas." Commission on Truth, Women, and Political Violence, Lima.

This document employs gender definitions to explain the situation of men and women during the Peruvian armed conflict. It includes topics like daily life, sexuality and body, sexual division of work, the public-private division, power codes, and so on.

Human Rights Watch. 1992. "Untold Terror: Violence against Women in Peru's Armed Conflict." New York, NY. December.

Throughout Peru's 12-year internal war, women were the targets of sustained and frequently brutal violence committed by both sides in the armed conflict, often for the purpose of punishing or dominating those believed to be sympathetic to the opposing side. Women were threatened, raped, and murdered both by government security forces and members of the Shining Path. Often, the same woman was the victim of violence by both sides. This work was the first Americas Watch/Women's Rights Project report to focus on violence against women in Peru. As part of a broader effort to focus on the role of violence against women in internal and international conflicts in other parts of the world, it complements local efforts to bolster reporting on abuses against women.

Kirk, Robin. 1993. *Grabado en Piedra: Las Mujeres de Sendero Luminoso*. Lima: Instituto de Estudios Peruanos.

This book describes the roles of women belonging to the Peruvian subversive group, Shining Path. The author considers women as perpetrators as well as victims of violence. It explains why and how women decided to leave their homes and families and participate in the movement.

Mantilla, Julissa. 2006. "La perspectiva de género en la búsqueda de la verdad, la justicia y la reconciliación: El caso del Perú." In: *Más allá del Derecho. Justicia y Género en América Latina*. Cabal, Luisa y Motta, Cristina, ed., 415–444. Bogotá: Siglo del Hombre Editores, Center for Reproductive Rights, Universidad de los Andes.

This article refers the main characteristics of a truth commission and explain why it is important to incorporate a gender perspective in the work of these

institutions. The paper refers briefly to some truth commissions and then it focus on the Peruvian Truth and Reconciliation Commission and its work. It also includes some suggestions for future truth commissions working with a gender perspective.

South Africa

Bhargava, Anurima. 2002. “Defining Political Crimes: A Case Study of the South African Truth and Reconciliation Commission.” *Columbia Law Review* 102: 1304–1335. June.

This article focuses on the South African TRC and its granting of amnesty in exchange of information about political crimes. The author criticizes the main criterion used by the TRC to determine if a crime was political—whether the act was executed on the order of, or on behalf of, the state or an established political organization. The writer contends that overemphasis on this factor resulted in a set of decisions that undermined the express goals of the amnesty process and failed, in practice, to provide a viable definition of political crimes that could be used by future countries in transition. In this sense, the author considers that an approach that weighted the totality of circumstances would account for the intricacies of the political conflicts that plague so many areas of the world today and properly contribute to attempts to restore justice in those contexts.

Burton, Mary. 2004. “Custodians of Memory: South Africa’s Truth and Reconciliation Commission.” *International Journal of Legal Information* 32: 417–425. Summer.

The author is a former commissioner of South Africa’s Truth and Reconciliation Commission (TRC). This article summarizes the main activities of the TRC and its contribution to discovering and recording the untold stories of human rights abuses so that such events might never be repeated. The author suggests that steps must be taken to prevent the destruction of records that form part of South African history. For that purpose, appropriate legal powers must be given to the state’s public archives service.

Gobodo-Madikizela, Pumla. 2005. “Women’s Contributions to South Africa’s Truth and Reconciliation Commission.” *Women Waging Peace*, Cambridge, MA. February.

Using a case-study approach, the author documents the vital qualities that women brought to the process of transitional justice in South Africa through their testimonies at the TRC and their work as commissioners and staff.

Goldblatt, Beth, and Sheila Meintjes. 1996. “Gender and the Truth and Reconciliation Commission.” *Submission to the South African Truth and Reconciliation Commission*. May.

This submission was intended to aid the TRC in understanding how gender forms part of the truth and reconciliation process. A gendered approach considers how society locates women and men in relation to all areas of their lives, such as the workplace, the domestic sphere, and civic life in the community. Women’s experience cannot be understood in isolation from men’s, but as a consequence of the interrelationship of women and men’s roles and status in society generally. The document focuses on the experience of women, however, since women’s voices are most often ignored. The submission begins by examining the reasons for developing a gender analysis of political violence. It then outlines a historical analysis of women’s role in resistance and their experience of repression and torture from the 1960s. The document moves on to examine the three areas of the TRC’s work: human rights violations, amnesty, and reparations and rehabilitation. Finally, it makes practical suggestions for implementing the gender approach in the TRC.

Koss, Tama. 2002. “South Africa’s Truth and Reconciliation Commission: A Model for the Future.” *Florida Journal of International Law* 14: 517–526. Spring.

This article explains the process of creation of the TRC and includes a good review of the historical process surrounding the enactment of the TRC, including two commissions of inquiry that preceded the TRC. The author argues that South Africa was able to incorporate the essential elements of the truth commission model: full disclosure, amnesty, reparation, and rehabilitation. The author considers that another successful objective of the TRC was to grant amnesty to persons who fully disclosed all relevant facts relating to violent acts motivated by political objectives. In this sense, the TRC was successful at building a strong democratic foundation after decades of human rights abuses in South Africa.

Ross, Fiona. 2003. *Bearing Witness: Women and the Truth and Reconciliation Commission in South Africa*. London: Anthropology, Culture & Society.

This book studies the gendered dimensions of the process of bearing witness in the context of the South African’ Truth and Reconciliation Commission. The

document explores how the Commission's emphasis on apartheid's spectacular dimensions had the effect of silencing and eliding women's political activities and their efforts to create social worlds in conditions of terrible constraint, framing women solely as victims. The book shows the achievements and limitations of testimony and human rights discourse as measures of suffering and recovering.

Sooka, Yasmin. 2004. "A Comparative Experience between South Africa and Sierra Leone." Paper presented at the Conference on Gender Justice in Postconflict Situations: Building Peace through Accountability, co-organized by the United Nations Development Fund for Women (UNIFEM) and the International Legal Assistance Consortium (ILAC), 15 – 17 September 2004, New York City www.womenwarpeace.org/issues/justice/statements/Sooka_South_Africa.pdf, accessed January 24, 2006.

The author relates her experience as a commissioner in the South Africa and Sierra Leone TRCs. She includes a brief outline of the context in which these two transitional institutions were established; the implications of that context for the institutions; the violations experienced by women; the link between the nature of the violations and culture, religion, tradition, and law; the nature of the interventions performed and those that were needed; emerging best practices; and recommendations on the way forward.

Sierra Leone

Coalition for Women's Human Rights in Conflict Situations. 2003. Submission to the Truth and Reconciliation Commission of Sierra Leone May. http://www.womensrightscoalition.org/index_en.html

This document submitted to the Sierra Leone Truth and Reconciliation Commission contains a review of the treatment of sexual violence against women in international human rights, humanitarian and criminal law. The paper states that the TRC had an important opportunity to fully examine and record the crimes of sexual violence against Sierra Leonean women during the conflict. The document urged the TRC to ensure that its recommendations to the Sierra Leonean government and the international community took into consideration the specific needs of the women survivors.

Human Rights Watch. 2003. "We'll Kill You If You Cry: Sexual Violence in the Sierra Leone Conflict." New York, NY. <http://www.hrw.org/reports/2003/sierraleone/sierleon0103-03.htm#TopOfPage>

This document reports the cases of thousands of women and girls of all ages, ethnic groups, and socioeconomic classes who were subjected to widespread and systematic sexual violence in Sierra Leone. These crimes of sexual violence were generally characterized by extraordinary brutality and frequently preceded or followed by other egregious human rights abuses against the victim, her family, and her community. The report states that the main perpetrators of sexual violence, including sexual slavery, were the rebel forces of the Revolutionary United Front (RUF), the Armed Forces Revolutionary Council (AFRC), and the West Side Boys, a splinter group of the AFRC. The report also concludes that women and girls in Sierra Leone are subjected to structural discrimination by practice, custom, and law in terms of education and employment, in the political arena, and in other walks of life. Both customary law, which governs the majority of the population, and general law, which was inherited from the United Kingdom and is primarily applied in the capital, discriminate against women and girls in terms of family law, as well as property and inheritance rights. In addition, the provisions pertaining to rape under general and customary law offer inadequate protection.

Nowrojee, Binaifer. 2005. "Making the Invisible War Crime Visible: Postconflict Justice for Sierra Leone's Rape Victims." *Harvard Human Rights Journal* 18: 85–105. Spring.

This article focuses on Sierra Leone's Truth and Reconciliation Commission and the Special Court established at the end of the civil war. The author asserts that both institutions took seriously their mandate to address crimes against women and used gender-sensitive strategies to ensure the comfort, safety, and dignity of the rape victims who came forward to testify.

Physicians for Human Rights. 2002. "War-Related Sexual Violence in Sierra Leone. A Population-Based Assessment." http://www.phrusa.org/research/sierra_leone/exec_summ.html

This is an assessment of the prevalence and impact of sexual violence and other human rights abuses among internally displaced persons in Sierra Leone.

Conducted by Physicians for Human Rights with the support and participation of the United Nations Assistance Mission in Sierra Leone, the report concludes that the combined effects of prolonged conflict, pervasive human rights abuses, and massive forced migration in Sierra Leone have devastated the health and well-being of the Sierra Leonean people. The findings indicate that combatants have committed widespread human rights abuses and international crimes against displaced persons, including abductions, beatings, killings, rape and other forms of sexual violence, temporary capture, torture, forced labor, gunshot wounds, serious injuries, and amputations. The report includes recommendations to the Revolutionary United Front (RUF), the Government of Sierra Leone, the Sierra Leonean Ministry of Health, the United States government, and other bilateral donors.

Schabas, William A. 2004. “Conjoined Twins of Transitional Justice? The Sierra Leone Truth and Reconciliation Commission and the Special Court.” *Journal of International Criminal Justice* 2: 1082–1099. December.

This article focuses on the relationship between the Sierra Leone Truth and Reconciliation Commission and the Special Court of Sierra Leone. While those in favor of restorative justice insisted upon the relevance of a strong and dynamic TRC as a complement to prosecution, opponents suggested that the TRC might be a useful adjunct to prosecution by assisting in the gathering of evidence for formal legal purposes. The author explains that the relationship between the two institutions was basically cordial, although it ended in an unfortunate skirmish when some Special Court prisoners asked to testify in public hearings before the Commission.

Annex 2: Web-based Resources

Gender, armed conflict, peacekeeping

Gender Equality and Peace-building: An Operational Framework, Canadian International Development Agency, http://www.acdi-cida.gc.ca/cida_ind.nsf/0/38e406811791e81485256990004f1c1e?OpenDocument#Top (accessed October 24, 2005)

Siyanda. Online database on gender, development, and armed conflict materials. <http://www.siyanda.org> (accessed February 2, 2004)

Gender and Peacekeeping Online Training Course <http://www.genderandpeacekeeping.org/> (accessed January 24, 2006)

Ruta Pacifica de las Mujeres. Website with information on the role of women in the peace process in Colombia <http://www.rutapacifico.org.co> (accessed December 15, 2005)

The Initiative for Inclusive Security (formerly know as Women Waging Peace). This Initiative advocates for the full participation of all stakeholders, especially women, in peace processes around the world. <http://womenwagingpeace.net> (accessed November 12, 2005)

Women and War. Section covering the specific dangers and suffering confronting women in wartime, whose plight could be improved if the rules of humanitarian law were fully respected. Access to the ICRC study *Women facing war* as well as related resource materials and links to other sites concerning women. <http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/women?OpenDocument> (accessed November 5, 2005)

The Women's International League for Peace and Freedom (WILPF). WILPF works to achieve through peaceful means world disarmament, full rights for women, racial and economic justice, an end to all forms of violence, and to establish those political, social, and psychological conditions which can assure peace, freedom, and justice for all. <http://www.wilpf.org> (accessed November 15, 2005)

PeaceWomen. This is a Project of the Women's International League for Peace and Freedom that monitors and works toward rapid and full implementation of United Nations Security Council Resolution 1325 on women, peace and security. <http://www.peacewomen.org> (accessed November 20, 2005)

Center for Gender and Refugee Studies (CGRS). CGRS provides legal expertise and resources representing women asylum-seekers fleeing gender related harm. <http://www.uchastings.edu/cgrs/> (accessed November 2, 2005)

Bridge. Gender and Armed Conflict. Cutting Edge Pack http://www.bridge.ids.ac.uk/reports_gend_CEP.html#Conflict (accessed June 20, 2005)

International Alert. International peace-building organization. <http://www.international-alert.org/> (accessed February 15, 2006)

International Legal Assistance Consortium (ILAC). Technical Legal Assistance in post conflict situations. <http://www.ilac.se/default2.asp?xid=> (accessed February 16, 2006)

Conflict Transformation and Peace-building: A Selected Bibliography <http://www.peacemakers.ca/bibliography/bib26reconciliation.html> (accessed January 3, 2006)

Violations of women's human rights

United Nations International Research and Training Institute for the Advancement of Women <http://www.un-instraw.org/en/index.php?option=content&task=blogcategory&id=153&Itemid=213> (accessed February 2, 2006)

Amnesty International. Stop Violence against Women <http://web.amnesty.org/actforwomen/index-eng> (accessed December 3, 2005)

Women's Rights Division of Human Rights Watch <http://www.hrw.org/women/> (accessed December 3, 2005)

Coalition for Women's Human Rights in Conflict Situations, created to promote the adequate prosecution of perpetrators of crimes of gender violence in transitional justice systems based in Africa, in order to create precedents that recognize violence against women in conflict situations and help find ways to obtain justice for women survivors of sexual violence <http://www.womensrightscoalition.org/> (accessed February 12, 2006)

Women's Commission. The Women's Commission is an expert resource and advocacy organization that monitors the care and protection of refugee women and children. <http://www.womenscommission.org/> (accessed December 14, 2005)

Women's human rights. This is a project of American Women in Development (AWID). It provides information and analysis on women's human rights and global issues. <http://www.whrnet.org/> (accessed February 12, 2006)

Women and war and international humanitarian law. International Committee Red Cross http://www.icrc.org/web/eng/siteeng0.nsf/iwpList2/Humanitarian_law:Women_and_war?OpenDocument (accessed February 15, 2006)

International tribunals

International Criminal Tribunal for Rwanda <http://65.18.216.88/> (accessed December 13th 2005)

International Criminal Tribunal for the Former Yugoslavia <http://www.un.org/icty/> (accessed December 13th 2005)

International Criminal Court <http://www.icc-cpi.int/> (accessed December 13th 2005)

Transitional justice and truth commissions

United States Institute of Peace (USIP). Truth Commissions Digital Collection, containing decrees establishing truth commissions and similar bodies of inquiry worldwide, and the reports issued by such groups. <http://www.usip.org/library/truth.html> (accessed October 18th 2005)

The International Center for Transitional Justice (ICTJ). The ICTJ assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved. <http://www.ictj.org> (accessed October 23, 2005)

Peruvian Truth and Reconciliation Commission <http://www.cverdad.org.pe> (accessed September 23, 2005)

South African Truth and Reconciliation Commission http://www.doj.gov.za/trc/trc_frameset.htm (accessed October 25, 2005)

Sierra Leone Truth and Reconciliation Commission <http://www.sierra-leone.org/trc-documents.html> (accessed October 26, 2005)

Strategic Choices in the Design of Truth Commissions <http://www.truthcommission.org/> (accessed November 16, 2005)

Annex 3a: Questionnaire for Interviews with World Bank Staff

- The reports of Truth Commissions (TCs) contain important proposals for reparations and reform of the States after their work. For example, the report of the Peruvian TC contained several recommendations that were integrated in the Progress Report for the Country Assistance Strategy (CAS) for Peru, and form an important part of two operations: the *Justice Services Improvement Project*, a Bank-financed loan, and the *Civil Society and Rule of Law Project*, a JSDF grant. In this sense, do you think your office would benefit from a TC's report? Please give some examples of specific projects/activities.
- Usually, TCs have not incorporated a gender perspective, although this approach is very useful for their work. Do you think that the Bank could support the incorporation of this perspective in a TC? Why? How?
- Has your office/unit/work incorporated a gender perspective? Could you give some examples?
- In your opinion, which are the main limitations on the incorporation of a gender perspective in your work at the Bank? What information and skills would be necessary to overcome those limitations?

Optional questions:

- Do you think that the World Bank should get involved in TCs? How?
- What would be the main difficulties if the WB were to get involved in TC?
- *Materials:* If you think that there are materials (World Bank documents, project summaries or conclusions, guidelines, etc.) that I should read, please let me know.

Annex 3b: Questionnaire for Expert Interviews

- Working on gender and human rights of women is a difficult task. Could you please identify the main challenges in your work on these topics at the (**Sierra Leone, South African or Peruvian**) TRC?
 - Sometimes people who work within a TRC do not understand the importance or relevance of a gender perspective. Do you find this kind of problem in your work? If so, what was the main argument against the gender perspective?
 - How did the TRC you worked with deal with gender and human rights? Was there a special committee on this issue?
 - Could you identify the main allies on this topic **inside** the TRC? The main opponents?
 - Could you identify the main allies on this topic **outside** the TRC? The main opponents?
 - Could you identify civil society organizations (human rights NGOs, feminist groups, academics, activists, etc.) who participated in the TRC's work on gender and women's human rights?
 - What was the main **success** of the TRC concerning gender and human rights of women?
- What was the main **failure** of the TRC concerning gender and human rights of women?
 - Concerning the recommendations and proposals of reparations of the TRC, were there any specific proposals concerning gender and human rights of women?
 - What impact, if any, did the TRC have on gender and human rights of women in the society?
 - How did the inclusion of perspectives relating to violence against women and the participation of women improve or enhance the TRC process? And how, if at all, did it contribute to enhancing national, community, or family-based reconciliation efforts?
 - One of the big problems for women is the real access to justice; do you think that the TRC helped improve this situation? What more could be done to improve it?
 - If you could recommend projects for the World Bank that emerge from the TRC's work and report, what would you recommend (future projects, guidelines, etc.)?
 - Do you know of experts on gender, truth commissions, and conflict whom we might contact?
 - Finally, any information about printed and electronic resources on gender issues in the work of Truth Commissions would be greatly appreciated.

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Endnotes

¹“Informal justice systems” are systems that exercise some form of nonstate authority in providing safety, security, and access to justice. They include a range of traditional, customary, religious, and informal mechanisms that deal with disputes and security matters. Other terms commonly used to refer to nonstate justice and security systems are primary, traditional, customary, and nonstate justice and security systems. See DFID Briefing Paper, May 2004, <http://www.grc-exchange.org/docs/SSAJ101.pdf> (accessed May 2006).

²<http://www.usip.org/library/truth.html> and annex 1.

³It was only in 1993 when the rights of women and girls were declared as human rights in the Declaration and Program of Action of Vienna. See the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna on June 25, 1993. <http://www.ohchr.org/english/law/vienna.htm>, accessed May 2006).

⁴For a review of the current status of these processes visit <http://www.ictj.org/en/where/overview/>, accessed May 2006.

⁵United Nations Security Council Resolution 1325 on Women, Peace and Security, October 31, 2000.

⁶For example, a gender analysis suggests that social norms about masculinity strongly influence the prevalence of the violent expression of conflict in many places. Therefore, conflict prevention should challenge these norms as a way of creating conditions for peace (Sikoska and Solomon 2002).

⁷<http://www.doj.gov.za/trc/>.

⁸<http://www.cverdad.org.pe>.

⁹<http://www.womenwarpeace.org/issues/justice/justice.htm>.

¹⁰However, it should be said that there is a lack of consensus about what the term exactly means, the activities that it encompasses or the requirements for achieving it. <http://www.ictj.org/en/tj/784.html>, accessed March 2006.

¹¹For a good analysis of TCs, see Thompson and Rotberg (2000).

¹²An important legal problem that all of the truth commissions have faced has been whether to name individual wrongdoers. This has led to different conclusions on this issue in the different TCs and there is not a definitive position on this matter.

¹³Promotion of National Unity and Reconciliation Act 95-34, 26 July 1995 http://www.fas.org/irp/world/rsa/act95_034.htm accessed on November 24 2005.

¹⁴The issuance of amnesty by the TRC has received several criticisms but also strong support by different sectors.

Although this is an interesting and important issue, we will only mention it since it exceeds the main topic of this consultancy.

¹⁵See endnote 3.

¹⁶See UNESCO’s Gender Mainstreaming Implementation Framework for baseline definitions of key concepts and terms. http://portal.unesco.org/en/ev.php-URL_ID=11483&URL_DO=DO_TOPIC&URL_SECTION=201.html, accessed on November 20, 2005.

¹⁷For example, the ICTJ is developing a research on the subject. <http://www.ictj.org>, accessed November 2005.

¹⁸In this matter, see the Human Rights Watch (2004).

¹⁹“South Africa’s History.” In <http://www.sudafrica.cu/historia.htm>, accessed November 2005.

²⁰In <http://www.cajpe.org.pe/RIJ/cverdad/su1.htm>. Also see “African National Congress Statement to the Truth and Reconciliation Commission,” August 1996. In <http://www.anc.org.za/ancdocs/misc/trcall.html>, accessed November 2005.

²¹The issuance of amnesty by the TRC has received several criticisms but also strong support by different sectors. Although this is an interesting and important issue, we will only mention it since it exceeds the main topic of this consultancy.

²²More information in David Woolman, “Impressions from a Recent Visit to South Africa.” <http://www.ric.edu/fas/fas18oct/Impression.html>, accessed May 2006.

²³“The activities of the Truth and Reconciliation Commission (the Commission) were suspended on October 28, 1998. Notwithstanding this suspension, the Amnesty Committee had to continue with its functions until a date determined by proclamation by the President.” From the report of the TC’s chief executive officer, <http://www.info.gov.za/otherdocs/2003/trc/6.pdf>

²⁴Comisiones de la Verdad: Experiencias Comparadas, <http://www.cajpe.org.pe/RIJ/cverdad/esquema9.htm>, accessed November 2005.

²⁵More information is available at <http://www.cajpe.org.pe/rij/index.htm>.

²⁶More information of the role of the women in a transitional justice processes is available in Anderlini, Conaway, and Kays (2004).

²⁷For example white women were organized in NGOs like the Black Sash and the End Conscription Campaign (Gobodo-Madikizela 2005).

²⁸Former Commissioner Mary Burton, interviewed in Gobodo-Madikizela (2005: 12).

²⁹The workshop, entitled "Gender and the Truth and Reconciliation Commission," was held on the March 19, 1996, at the University of the Witwatersrand. The meeting was called by the Centre for Applied Legal Studies to further develop a process of thought about the gender issues facing the Commission. Psychologists, lawyers, members of NGOs, members of the Gauteng Legislature, and representatives of the Commission were present. The submission, as well as relying on discussion at the workshop, used material from in-depth interviews with women leaders who had suffered gross human rights violations (Goldblatt and Meintjies 1996).

³⁰Public Hearing of the South African Truth and Reconciliation Commission, CALS Submission by Dr. Sheila Meintjies, July 29, 1997. http://www.doj.gov.za/trc/trc_frameset.htm, accessed on 26th December 2005.

³¹Interview with Pablo Rojas, President of the Human Rights Commission of Peru, by Miguel Jiménez and Marta Caravantes, July 21, 2000. <http://www.ucm.es/info/solidarios/ccs/entrevistas/panlo%rojas.htm>.

³²Resolución Suprema N° 304-2000-JUS of December 9, 2000.

³³DS No. 065-2001-PCM published on June 4, 2001.

³⁴DS No. 101-2001-PCM published on September 4, 2001.

³⁵"Guatemala: Memoria del silencio" (Cap. II, Las violaciones de derechos humanos y los hechos de violencia; Cap. III, Violencia sexual contra la mujer). <http://shr.aas.org/guatemala/ceh/mds/spanish/>, accessed October 2004.

³⁶Translation by the International Center of Transitional Justice (ICTJ), <http://www.ictj.org/downloads/PeruRecommendationtranslationFINAL.pdf>, accessed November 2005.

³⁷Interview with Gisella Vignolo, human rights deputy of the Peruvian Ombudsman's Office, November 15, 2005.

³⁸http://www.fcpa.org.pe/docs/L1_C3_05_Convocatoria_texto_principal_.doc, accessed December 2005.

³⁹Decreto Supremo N° 2 047-2005-PCM.

⁴⁰Interview with Gisella Vignolo, human rights deputy of the Peruvian Ombudsman's Office, November 15, 2005.

⁴¹Decreto Supremo N° 003-2004-JUS.

⁴²Interview with Jaime Urrutia, executive secretary of the Multisectorial Commission, February 8, 2006.

⁴³Ministerial decree N° 058-2004, Housing, published March 4, 2004 in the *Diario El Peruano*.

⁴⁴Law N° 28223, published in the *Diario El Peruano* on April 28, 2005.

⁴⁵March 18, 2004, in *Expediente* N° 2488-2002-HC/TC

⁴⁶Interview with Gisella Vignolo, human rights deputy of the Peruvian Ombudsman's Office, November 15, 2005.

⁴⁷Defensorial Resolution N° 006-2004/DP, published in the *Diario Oficial el Peruano*, March 8, 2004.

⁴⁸Law No. 28251, published June 8, 2004

⁴⁹Law No. 28413, promulgated December 2004.

⁵⁰Supreme Decree No. 047-2005-PCM, July 7 2005 and Law N° 28592, July 29, 2005.

⁵¹Draft of the Proposal of Rules of the Law N° 28592— Law that creates the Plan for Reparations <http://www.flora.org.pe/msalud.htm>.

⁵²Civil War in Sierra Leone (1991–2002). In <http://www.fco.gov.uk/Files/kfile/SierraLeoneHistoryOfConflict,0.pdf>, accessed on December 14, 2005.

⁵³Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone. In http://www.usip.org/library/pa/sl/sierra_leone_07071999.html#26.

⁵⁴The Truth and Reconciliation Commission Act 2000. Supplement to the Sierra Leone Gazette, vol. 131, no. 9, dated February 10, 2000. <http://www.sierra-leone.org/trebook-TRCAAct.html>

⁵⁵The Truth and Reconciliation Commission Act 2000. http://www.usip.org/library/tc/doc/charters/tc_sierra_leone_02102000.html, accessed March 2006.

⁵⁶Interview with Yasmin Sook, former Commissioner of the South Africa and Sierra Leone TRC, November 2005.

⁵⁷Interview with Zoe Dugal, former member of the Sierra Leone TRC, November 2005.

⁵⁸http://www.womensrightscoalition.org/index_en.htm, accessed on January 13, 2005.

⁵⁹<http://www.africaaction.org/docs96/trc9608.htm>, accessed December 2005.

⁶⁰Statement Concerning Gross Violations of Human Rights, version 5, 1997, <http://www.stanford.edu/class/history48q/Documents/EMBARGO/4chap10.htm>, accessed December 2005.

⁶¹<http://www.stanford.edu/class/history48q/Documents/EMBARGO/4chap10.htm>, accessed December 2005.

⁶²South African Truth and Reconciliation Commission, volume 4, chapter 10, Special Hearing: Women, <http://www.stanford.edu/class/history48q/Documents/EMBARGO/4chap10.htm>, accessed May 2006.

⁶³<http://www.stanford.edu/class/history48q/Documents/EMBARGO/5chap6.htm>, accessed December 2006.

⁶⁴<http://www.cverdad.org.pe/lacomision/nlabor/documentos01.php>, accessed on December 2005.

⁶⁵Commissioners' Statement of May 2002, Peruvian Truth and Reconciliation Commission, <http://www.cverdad.org.pe/lacomision/nlabor/documentos01.php>

⁶⁶Due to the confusion of "gender" and "women" it could be understandable that women assumed the incorporation of gender in the regional offices of the TRC.

⁶⁷<http://www.cverdad.org.pe/lacomision/nlabor/atrabajo2.php>, accessed August 2004.

⁶⁸Final Report of the Peruvian Truth and Reconciliation Commission, volume 8, part 2, chapter 2 (The differential impact of violence), section 2.1 (Violence and gender inequality). <http://www.cverdad.org.pe/ifinal/index.php>, accessed November 2004.

⁶⁹Final Report of the Peruvian Truth and Reconciliation Commission, volume 3, chapter 3 (Social organizations), section 3.2 (Unions, business groups, and women's organizations). <http://www.cverdad.org.pe/ifinal/index.php>, accessed November 2004.

⁷⁰ Interview with Zoe Dugal, former member of the Sierra Leone TRC, November 2005.

⁷¹ *Ibid.*

⁷² <http://trcsierraleone.org/drwebsite/publish/v3b-c3.shtml>.

⁷³ <http://www.peacewomen.org/news/SierraLeone/newsarchive03/truthcommission.html>.

⁷⁴ Final Report of the Peruvian Truth and Reconciliation Comisión, volume 9, section 4 (Recommendations of the Peruvian Truth and Reconciliation Commission towards a Real National Compromise for Reconciliation), Chapter 2 (Recommendations). <http://www.cverdad.org.pe/ffinal/index.php> accessed November 2004.

⁷⁵ “Articulación de Estrategias entre la Cooperación Internacional y Redes de la Sociedad Civil para contribuir al Proceso de Verdad, Justicia, Reparación y Reconciliación,” Peruvian National Coordinator of Human Rights, Project Counselling Service, and Oxfam GB. Lima, June 2004.

⁷⁶ Other agencies are the British Council, Vision Mundial, Diakonia–Acción Ecuémica Sueca, Belgium Cooperation, Project Counseling Service, and DFID-Oxfam GB.

⁷⁷ Interview with Colin Scott, lead specialist in the Middle East and North Africa Region, World Bank, February 15, 2006.

⁷⁸ [http://web.worldbank.org/WorldBankSITE/EXTERNAL/ TOPICS/EXTSOCIALDEVELOPMENT/EXTCPR/ 0,menuPK:407746~pagePK:149018~piPK:149093~theSite PK:407740,00.html](http://web.worldbank.org/WorldBankSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTCPR/0,menuPK:407746~pagePK:149018~piPK:149093~theSitePK:407740,00.html), accessed February 2006.

⁷⁹ OP 2.30, Development Cooperation and Conflict, January 2001

[http://web.worldbank.org/WorldBankSITE/EXTERNAL/ PROJECTS/EXTPOLICIES/EXTOPMANUAL/ 0,contentMDK:20129203~pagePK:64141683~piPK:64141 620~theSitePK:502184,00.html](http://web.worldbank.org/WorldBankSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,contentMDK:20129203~pagePK:64141683~piPK:64141620~theSitePK:502184,00.html), accessed February 2006.

⁸⁰ Interview with Vikram Raghavan, lawyer in the World Bank’s Legal Vice-Presidency, February 16, 2006.

⁸¹ Article IV, Section 10, of the Bank’s articles of agreement, entitled “Political Activity Prohibited, provides as follows: The Bank and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purposes stated in Article I.” See [http://siteresources.worldbank.org/EXTABOUTUS/Resour ces/ibrd-articlesofagreement.pdf](http://siteresources.worldbank.org/EXTABOUTUS/Resources/ibrd-articlesofagreement.pdf), accessed May 2006.

⁸² This is a \$300,000 Institutional Development Fund (IDF) grant, [http://wbln0018.worldbank.org/LAC/LAC.nsf/ ECADocbyUnid/6C41D4D2AA155AE485256C60005EE1 34?Opendocument](http://wbln0018.worldbank.org/LAC/LAC.nsf/ECADocbyUnid/6C41D4D2AA155AE485256C60005EE134?Opendocument), accessed on November 24, 2005.

⁸³ Interview with Vikram Raghavan, lawyer in the World Bank’s Legal Vice-Presidency, February 16, 2006.

⁸⁴ *Ibid.*

⁸⁵ OP 4.20, March 2003.

[http://wbln0018.worldbank.org/Institutional/Manuals/ OpManual.nsf/whatnewvirt/E8F5EDA29748A0038525672 C007D0735?OpenDocument](http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/whatnewvirt/E8F5EDA29748A0038525672C007D0735?OpenDocument).

⁸⁶ Bank Procedures BP 4.20, March 2003, [http://wbln0018. worldbank.org/Institutional/Manuals/OpManual.nsf/whatne wvirt/31425C7A0ECD6BF985256CEE00152B74?OpenD ocument](http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/whatnewvirt/31425C7A0ECD6BF985256CEE00152B74?OpenDocument).

⁸⁷ Conversely, CGAs and other relevant economic and social assessments are potentially important entry points for the work and findings of TCs.

⁸⁸ [http://web.worldbank.org/WorldBankSITE/EXTERNAL/ COUNTRIES/AFRICAEXT/EXTAFRREGTOPGENDER /0,menuPK:502366~pagePK:34004175~piPK:34004435~t heSitePK:502360,00.html](http://web.worldbank.org/WorldBankSITE/EXTERNAL/COUNTRIES/AFRICAEXT/EXTAFRREGTOPGENDER/0,menuPK:502366~pagePK:34004175~piPK:34004435~theSitePK:502360,00.html), accessed November 2005.

⁸⁹ [http://wbln0018.worldbank.org/LAC/LAC.nsf/ECADocb yUnid/6C41D4D2AA155AE485256C60005EE134?Opend ocument](http://wbln0018.worldbank.org/LAC/LAC.nsf/ECADocbyUnid/6C41D4D2AA155AE485256C60005EE134?Opendocument), accessed on November 24, 2005.

⁹⁰ [http://wbln0018.worldbank.org/ECA/ECSHD.nsf/ECAD ocbyUnid/18D857ABE32B991385256CE2004EB4D6?Op endocument](http://wbln0018.worldbank.org/ECA/ECSHD.nsf/ECADocbyUnid/18D857ABE32B991385256CE2004EB4D6?Opendocument), accessed on November 25, 2005.

⁹¹ Interview with Howard Varney, chief investigator, Sierra Leone Truth and Reconciliation Commission, November 25, 2005.

⁹² This is a \$300,000 Institutional Development Fund (IDF) grant, [http://wbln0018.worldbank.org/LAC/LAC.nsf/ ECADocbyUnid/6C41D4D2AA155AE485256C60005EE1 34?Opendocument](http://wbln0018.worldbank.org/LAC/LAC.nsf/ECADocbyUnid/6C41D4D2AA155AE485256C60005EE134?Opendocument), accessed on November 24, 2005.

⁹³ Interview with Bernard Harborne and Ian Bannon, staff of the World Bank Conflict Unit.