

## Addressing Sexual Violence in Peacekeeping Operations: Assumptions, Challenges, and Solutions

In December 2012, the Security Council convened an Open Debate to reflect on twelve years of progress since the historic passage of SCR 1325, the first resolution to link women's experiences of conflict to the maintenance of peace and security.<sup>1</sup> Meanwhile, riots exploded across what activists have called "the worst place in the world to be a woman"<sup>2</sup> the Democratic Republic of Congo (DRC). As mobs burnt down government buildings in Bakavu, Butembo, Bunia, Kisangani and Kinshasha, women's rights advocates warned that rates of sexual violence would escalate.<sup>3</sup> Despite the international community's recognition of women's vulnerable position in conflict, the risks women face in war are still painfully high.

While sexual violence in the DRC is particularly widespread, it is hardly an exception. Indeed, sexual violence has occurred in conflict for centuries. Women's bodies have been allocated to victorious soldiers as 'morale boosters,' 'rewards for bravery,' or as standard booty of war's 'spoils' in conflicts as old as the Trojan War. The practice is more widespread today than ever, both because today's conflicts are increasingly deadly for civilians and because sexual

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<sup>1</sup> Relevant resolutions include: SCR 1325 (31 October 2000): First SCR to link women's experiences of conflict to the maintenance of international peace and security; SCR 1820 (19 June 2008) First SCR to recognize conflict-related sexual violence as a tactic of warfare and a critical component of the maintenance of international peace and security, requiring a peacekeeping, justice, and peace negotiation response; SCR 1888 (30 September 2009): Strengthens tools for implementing 1820 through assigning leadership, building judicial response expertise, and reporting mechanisms; SCR 1889 (5 October 2009): Addresses women's exclusion from early recovery and peacebuilding and lack of adequate planning and funding for their needs; SCR 1960 (16 December 2010): Provides an accountability system for addressing conflict-related SV. Anne-Marie Goetz, "Women Peace and Security," School of International and Public Affairs, Columbia University, Presentation, March 22, 2012.

<sup>2</sup> Human Rights Watch, "Soldiers who Rape, Commanders Who Condone: Sexual Violence and Military reform in the Democratic Republic of Congo," 2009, 36.

<sup>3</sup> This paper uses the definition of sexual violence from international law, which encompasses rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, trafficking and any other forms of sexual violence of comparable gravity, which may, depending on the circumstances, include situations of indecent assault, tracking, inappropriate medical examinations and strip searches. While the author recognizes that the problem of male sexual violence is increasingly widespread, this paper deals primarily with sexual violence against women. See "Guidance for Mediators: Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements," *United Nations Department of Political Affairs*, 2012.

violence is now used strategically to advance military objectives. Armed actors have used it as a tactic to clear areas, to torture individuals, and to destroy groups. They have also used it as a tool to pursue ethnic cleansing, either through HIV infected soldiers raping with the intention of transmitting the disease to members of an enemy ethnic group, by forced mutilation to prevent women from conceiving ‘enemy’ babies, or by impregnating women to dilute their offspring’s ethnic DNA. This was documented in Sudan; for example, where ‘Arab’ militants tell the ‘African’ women they rape “we will make you a lighter baby.” Armed actors have used it as a tool to humiliate or destroy families or communities through public rapes, forcing family members to witness each other’s rape, or forcing people to commit acts of sexual violence against their own family members. In Timor Leste, for example, Indonesian military reportedly raped women in front of their families and forced Timorese men to rape Timorese women.

After conflict, sexual violence does not dissipate but can in fact increase. Guns may have fallen silent, but sexual violence often happens behind closed doors, in deserted fields, or in the darkness of the night even as weapons lay cold. The impunity perpetrators enjoy during conflict often extends beyond wars, normalizing these crimes and perpetuating a culture of toleration towards them. This, combined with high numbers of unemployed, demobilized former soldiers socialized to violence and brutality during war, increases the risks of continued sexual violence in post-conflict contexts.<sup>4</sup> In addition, women are often the most vulnerable members of a post-war society and are thus extremely susceptible to sexual attacks. Female survivors are more likely than male survivors to be widowed, to be in abject poverty, to head households and to be

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<sup>4</sup> N. De Watteville, cited in Megan Bastick, Karin Grimm, Rahel Kunz, “Sexual Violence in Armed Conflict: Global Overview and Implications for the Security Sector,” *Geneva Centre for the Democratic Control of Armed Forces*, 2007, 18.

displaced.<sup>5</sup> For example, of a sample of 410 internally displaced Colombian women in Cartagena who were surveyed in 2003, 8 percent reported some form of sexual violence prior to being displaced, and 11 percent said they had been abused since their displacement.<sup>6</sup> In this way, the post-conflict context can even exacerbate a woman's risk of sexual abuse.

In addition, sexual violence continues to affect women long after the actual event. Women who have been victims of sexual violence during a conflict are often left with intense emotional and psychological trauma and have to deal with physical consequences such as HIV, sexually transmitted diseases, and physical disabilities because of the violence. The social stigma accompanying female victims of sexual violence is often so strong that women are likely to be shunned from their communities, rejected by their husbands, and cut off from social support. Moreover, they may have conceived children as a result of rape and thus have extra responsibilities as they cope with the aftermath of conflict.

Sexual violence thus profoundly impacts women's security and women's livelihoods after war. Peacekeeping operations aim to maintain and procure peace and security, and it is therefore crucial that they address sexual violence that occurs in and after conflict. As last week's Open Debate indicated, peacekeeping operations have indeed addressed sexual violence over the last decade. As a result of Resolution 1325, all operations are mandated to integrate women's needs by facilitating the inclusion of women in the political process, in the protection of civilians, in disarmament, demobilization and reintegration of former combatants (DDR), in the protection and promotion of human rights, and in the restoration of the rule of law. Yet as

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<sup>5</sup> For example a decade after the Rwandan genocide, female survivors are five times more likely than male survivors to be widowed and their per capita income stands at 54 of that of men. See Sarah Wells, "Gender, Sexual Violence and Prospects for Justice at the Gacaca Courts in Rwanda," *Review of Law and Women's Studies*, 2005 and Jeanne Ward, "If Not Now, When?" Addressing Gender-based Violence in Refugee, Internally Displaced, and Post-conflict Settings: A Global Overview," *The Reproductive Health for Refugees Consortium*, 2002.

<sup>6</sup> Jeanne Ward and Christopher Harwood, et al, "The Shame of War," *A United Nations Office of Humanitarian Affairs and Integrated Regional Networks Publication*, 2007, 37.

eluded to previously, sexual violence remains widespread in post-conflict contexts. This paper will discuss attempts in three aspects of peacekeeping operations- Security Sector Reform, DDR, and transitional justice- to address sexual violence. In so doing, it will show how sexual violence has been left out of the post conflict solution and how attempts to include it have fallen short of comprehensively addressing the problem.

### Security for Whom? Addressing Sexual Violence in Security Sector Reform

Security Sector Reform (SSR) is an essential part of peacebuilding. It is designed to prevent the reoccurrence of conflict and to enhance public security in order to create the necessary conditions for development.<sup>7</sup> Before Security Council Resolution 1325, most security solutions failed to make special provisions for women; security policies did not implement policies such as violence prevention, access to police protection, or sensitivity training for security officials. As a result, rape victims could not access protection from the police. As one 16-year-old Sudanese girl reported: “When I was eight months pregnant from the rape, the police came to my hut and forced me with their guns to go to the police station. They asked me questions, so I told them that I had been raped. They told me that as I was not married, I will deliver this baby illegally. They beat me with a whip on the chest and back and put me in jail. There were other women in jail who had the same story.”<sup>8</sup> Other women who came to the police for help were revictimized when security officials asked dogmatically for proof of the event, suggesting women were lying or asking what they were wearing, suggesting women were to blame for what happened. In addition, lack of sensitivity in security practices enabled security

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<sup>7</sup> Megan Bastick, “Integrating Gender in Post-Conflict Security Sector Reform,” *Geneva Center for the Democratic Control of Armed Forces (DCAF)*, Policy Paper No. 29, 2008.

<sup>8</sup> Ward and Harwood, et al, 27.

officials to harass women at security checkpoints or intimidate women by entering homes forcefully and triggering memories of sexual violence experienced during the conflict.

Even though women's safety in these respects was not seen as the job of the security sector, as Lakhdar Brahimi clarified, "Security does not just mean the end of war, it means the ability to go about your business safely, in a safe environment, to go to work, to go home, and to travel outside your home knowing that your family is safe and will not be harmed."<sup>9</sup> Addressing women's unique security needs, therefore, is in fact central to security reform. After the passage of 1325 and other relevant resolutions, peacekeeping operations began to adopt gender-friendly policies designed to increase women's security and address sexual violence. Peacekeepers were required to learn gender-sensitive protocols so as not to inflict further trauma on survivors in operations or at checkpoints and searches. Other SSR initiatives include requiring gender trainings for police officers. The Karnataka State Police in India, for example, along with UNICEF developed a training and resource manual for police personnel with a focus on violence against women and children. According to Bastick, Grimm, and Kunz, "three years after its inception over 2,800 police personal had been trained in workshops, and all police stations in Bangalore city had at least one person trained to handle cases relating to violence against women and children."<sup>10</sup>

Furthermore, peacekeeping operations have directly addressed the protection of women from sexual violence. Recognizing women's particular vulnerability to rape, abduction and murder during the collection of firewood, for example, the African Union's Civilian Police and Ceasefire Committee (CFC) launched firewood patrols in Darfur. These consisted of 2-3 large

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<sup>9</sup> Lakhdar Brahimi, quoted in Elisabeth Rehn and Ellen Johnson Sirleaf, "Women War Peace: The Independent Expert's Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding," *United Nations Development Fund for Women*, 2002, 117.

<sup>10</sup> Bastick, Grimm, and Kunz, 148.

pick-up trucks that followed approximately 100-200 meters behind a group of women on a firewood route road, carrying a patrol force of 2005 civilian police personnel in the front and 6-8 heavily armed CFC soldiers riding in the back. As the Women's Commission for Refugee Woman and Children has reported, these were highly effective in preventing sexual violence.<sup>11</sup>

However, the implementation of gender policy in SSR has not comprehensively addressed the problem of sexual violence. Without accountability and oversight measures, these policies are likely to be ineffective. For example, in the UN Mission in Liberia, UN civilian police appointed a human trafficking officer with a team of seven officers. The team raided nightclubs and rescued women and girls who had been trafficked. However, those women who chose to testify against the traffickers received no follow-up protection or assistance in terms of temporary shelter or repatriation. The women concerned were handed over to local NGOs, which did not have sufficient resources to support or protect them.<sup>12</sup> Despite commendable efforts to manage problems of sexual violence, without sufficient follow-through the program did not end up protecting the women for whom the programs were designed.

In many cases, gender policies existed but were for the most part ignored, either because security forces never sufficiently internalized them or because their leaders did not enforce the rules. For example, even though the EU Advisory and Assistance Mission for Security Reform in the DRC (EUSEC RD Congo) and MONUC provided training programs for the FARDC to address gender, according to Breton-LeGroff, "their impact has been negligible." Officers do not attend trainings and soldiers generally misunderstand what constitutes sexual violence. Some soldiers think that the law only prohibits them from having sexual relations with minors and that

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<sup>11</sup> Patrols basically ceased with the signing of the Darfur Peace Agreement in May 2006, after which it became increasingly difficult for the African Union troops and civilian police to operate. Patrols restarted in December 2006 but due to security concerns, as of June 2007 are only operating irregularly. Bastick, Grimm, and Kunz, 170.

<sup>12</sup> "Liberia: UNMIL's Crackdown on Trafficking Puts Women at Risk," *Refugees International Bulletin*, May 10, 2004, available at: <http://www.refugeesinternational.org/content/article/detail/960/>.

paying the victim would repair the offense.<sup>13</sup> Thus, even with gender trainings in place, sexual violence issues have not been mitigated.

Furthermore, recent controversies demonstrate that the mere inclusion of gender sensitive policies do not guarantee the protection of women from sexual violence. The scandals surrounding peacekeepers' sexual abuse in the DRC and other operations, for example, demonstrate the extent of women's insecurity after conflict, even with gender trainings in place.<sup>14</sup> Some argue, "that most allegations against peacekeepers cannot be equated with the scale and terror of random, brutal and systematic rape in warfare." Even if the scale is different, however, sexual violence perpetrated by warring armed groups and by peacekeepers is related. As Harwood argues, abuse by peacekeepers is "yet another context of vulnerable women and girls being abused by uniformed men in positions of power."<sup>15</sup> Although firmly condemned by the Secretary General and by Jean-Marie Guehenno, the sexual misconduct of peacekeepers<sup>16</sup> demonstrates the inadequacy of gender policies and the futility of 'gender trainings' when there are clearly deeper and more complex structural issues that allow for the perpetuation of sexual violence. These incidents demonstrate that women are particularly insecure after conflict and suggest that SSR must be more comprehensive to mitigate their specific vulnerabilities.

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<sup>13</sup> Gaelle Breton-Le Goff, "Ending Sexual Violence in the Democratic Republic of the Congo," *The Fletcher Forum of World Affairs*, Vol 34:I, Winter, 2010, 22.

<sup>14</sup> The scandals refer both to rape and other forms of sexual abuse as well as the widespread use by peacekeepers of prostitutes. Indeed, Elisabeth Rehn and Ellen Johnson Sirleaf estimated that in post-conflict environments brothel revenues increase by 30% due to attendance by internationals. There has been documentation of widespread use of prostitution by peacekeepers, which fund this illegal economy. As one sex-worker in Freetown explained, "I am the only person who has income in my family... since UNAMSIL's arrival, I have been able to make enough money to support my family. My clients are mainly peacekeepers. Of course I do not like to trade my body for money, but what choice do I have?" See Rehn and Sirleaf, 71.

<sup>15</sup> Ward and Harwood, et al, 81.

<sup>16</sup> Ndulo notes 121 allegations of sexual misconduct in 2004, 350 allegations in 2005, and 357 cases in 2006. The number reduced dramatically in 2007 to 50. Muna Ndulo, "The United Nations Responses to the Sexual Abuse and Exploitation of Women and Girls by Peacekeepers During Peacekeeping Missions," *Cornell Law Faculty Publications*, Paper 59, 2009, 142.

Policy makers have argued that including women in peacekeeping operations and police forces will reduce abuses of sexual violence by security officials and allow for greater protection of women in post-conflict contexts. A British army advertisement exemplified the idea that women soldiers can mitigate problems associated with sexual violence: “She’s just been raped by soldiers. The same soldiers who murdered her husband. The last thing she wants is to see another soldier[...] Unless that soldier is a woman.”<sup>17</sup> Many of these perceptions are based on the notion of women as inherently more moral, less violent, more peaceful or more caring than men; thus when they are present in peacekeeping operations, men are less likely to “misbehave” and the community is less likely to be distrustful of peacekeepers. Studies on policing, for example, find that female police officers use less force, are better at defusing potentially violent situations, and possess abilities that facilitate implementation for community policing.<sup>18</sup>

Adding female peacekeepers was (rightfully) hailed as a worthwhile advance for gender equality and additionally as a solution for addressing sexual violence. Indeed, there is a prevailing sense that increasing the numbers of female security personnel will reduce or eliminate sexual violence. In his report to the General Assembly, for example, Prince Zeid argued that a higher number of female peacekeepers was required to create an environment that discouraged sexual exploitation and abuse.<sup>19</sup> Another UN official noted that there are ‘certain specific responsibilities that women in most cases perform better than male officers, namely sexual assault cases and in some instances child abuse cases where the victims- mostly female,

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<sup>17</sup> Gerard J DeGroot, “A Force for Change,” *The Guardian*, June 13, 1999. Available at: [www.guardian.co.uk/work/1999/jun14/gender.uk1](http://www.guardian.co.uk/work/1999/jun14/gender.uk1).

<sup>18</sup> Kristen Valasek, “SSR and Gender,” in *Gender and SSR Toolkit, Geneva: DCAF, OSCE, ODIHR, UN-INSTRAW*, 2008, p. 3 cited in Erin Mobekk, “Gender, Women and Security Sector Reform,” *International Peacekeeping*, Vol. 17, No. 2: 278-291.

<sup>19</sup> UN General Assembly, ‘Comprehensive Review of the Whole Question of Peacekeeping Operations in All Their Aspects,’ UN doc., A/59/710, March 24, 2005.



feel more at ease, culturally and emotionally, dealing with a female officer.”<sup>20</sup> Furthermore, women have an added strategic value, as they are often able to perform tasks that men cannot, for example searching women at checkpoints. This can reduce security breaches, for example, like those that occurred in Iraq when male suicide bombers wearing burkas skipped searches at security checkpoints because there were no female security agents to check them.

By the same logic, SSRs of police forces have aimed at increasing numbers of women police officers. For example, the Liberia National Police Gender Policy’s Women and Children Protection Units are seen as “effective at securing the environment for some women who feel safe and secure reporting to the units.”<sup>21</sup> East Timor also had a female police presence. UNTAET’s gender unit partnered with a women’s movement to establish a special civilian police unit, staffed by women, to handle cases of rape, domestic violence, and other gender related crimes. According to Bastick, Grimm and Kunz, this “created an environment where women felt safer to report cases, especially when... a CIVPOL<sup>22</sup> officer was designated as a focal point for gender related crimes in each district.”<sup>23</sup> Similarly, Sierra Leone established “Family Support Units” for victims of domestic violence, organized community outreach campaigns to inform members of the public about the implications of sexual and gender-based violence, and raised awareness about the need to press charges against perpetrators. Trained social workers were stationed in each unit to ensure women were not revictimised.<sup>24</sup> Women’s police stations staffed mainly by female officers in Argentina, Bolivia, Brazil, East Timor, India,

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<sup>20</sup> UN News Center, “UN Police Workshop in Italy is Latest Effort to Attract More Female Officers into the Force,” March 17, 2007 in Olivera Simic, “Does the Presence of Women Really Matter? Towards Combatting Male Sexual Violence in Peacekeeping Operations,” *International Peacekeeping*, 17:2, 188-199.

<sup>21</sup> “Gender Mainstreaming in Peacekeeping Operations Liberia 2003-2009: Best Practices Report,” United Nations Mission in Liberia (UNMIL), Office of the Gender Advisor (OGA) (Accra, Ghana: United Nations Peacekeeping Operation in Liberia, 2010).

<sup>22</sup> CIVPOL was a civilian police force in East Timor.

<sup>23</sup> Rehn and Sirleaf, 69.

<sup>24</sup> Bastick, Grimm, and Kunz, 149.

Kosovo, Nicaragua, and other countries offer reporting facilities for victims in addition to medical, psychological, financial and legal support.

Yet adding women to security forces will not resolve the issue of sexual violence. As Oliveria Simic argues, the problem of sexual violence requires more than just an “add and stir” approach. The assumption that female security officials are better equipped than men to deal with rape and violence against women is deficient. These tasks require expertise that must be obtained through training, not simply the experience of being a woman. Secondly, policy makers often assume that women security personnel naturally perform these duties because of their more caring nature, but not all women are able or willing to do so. Furthermore, often such assignments lack prestige. For example, the Vulnerable Persons Units in East Timor were not seen as a prestigious deployment and were under-resourced and understaffed.<sup>25</sup> Without sufficient status or capacity, these reforms are reduced to talking points and can hardly implement programs comprehensively.

Furthermore, even when gender advisors and polices are part of peacekeeping operations, structural issues often prevent them from having influence. Gender advisors are expected to raise awareness among the international staff at all levels of authority, reach out to groups of women at grassroots level, conduct gender training for peacekeepers, military observers, and civilian police, and in some cases, assist in building the capacity of women to participate in the peace process and help form a national machinery for women.<sup>26</sup> These substantial responsibilities cannot be achieved alone or between a few people and certainly will not occur without political will. Often gender advisors do not occupy high levels of the operation hierarchy no do they have access to the SRSG. As Bastick, Grimm and Kunz point out, “In a

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<sup>25</sup> Mobekk, 286.

<sup>26</sup> Bastick, Grimm, and Kunz, 146.

bureaucracy, this can be debilitating.” Ultimately, despite the progress the SSR sector has made in addressing sexual violence, it has not gone far enough to prioritize, enforce, or train officials to address the problem comprehensively. Without the necessary breadth and depth, sexual violence will not be substantively reduced.

### DDR for Whom? Addressing Sexual Violence in Demobilization, Disarmament, and Reintegration

Just as Security Sector Reform traditionally marginalized women, DDR has similarly overlooked the particular experiences, vulnerabilities and roles of women and girls. It fails to address risks that demobilized males will commit sexual violence and fails to address sexual violence experienced by female combatants. Furthermore, DDR also ignores women’s multiple roles as fighting forces, including as combatants, and by doing so denies women the “peace dividend” that their male counterparts receive after war. For example, the demobilization program in Mozambique in the mid-1990s only granted resettlement allowances to men and only issued men’s clothing,<sup>27</sup> despite the fact that women combatants in Mozambique played significant combat roles (including deciding when to evacuate from camps, leading combatants through minefields, and deciding where to flee).<sup>28</sup> By marginalizing women from DDR programs, peacekeeping operations fail to appreciate the specific needs of female ex-combatants and as a result fail to address sexual violence that occurred during and after conflict.

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<sup>27</sup> Sally Badden, 1997 in “Gender Perspectives on Disarmament, Demobilization, and Reintegration (DDR),” *The Department for Disarmament Affairs in Collaboration with the Office of the Special Adviser on Gender Issues and the Advancement of Women, The United Nations*, March 2001, 1.

<sup>28</sup> UN Women, “Virtual Discussion on Gender and Disarmament, Demobilization, & Reintegration: Reintegrating Female Ex-Combatants: Good Practices and Lessons Learned in the Disarmament, Demobilization, and Reintegration of Women and Girls.” Virtual Discussion held 28 June – 19 July 2010. Available at [http://www.un-instraw.org/data/media/.../GDDR\\_VD\\_Final\\_Summary2.pdf](http://www.un-instraw.org/data/media/.../GDDR_VD_Final_Summary2.pdf)

Male DDR programs fail to mitigate the risks women face when demobilized soldiers are reintegrated into society. For example, reports from countries as different as Namibia, Chad, and Nicaragua suggest heightened levels of domestic violence and sexual abuse are linked to men's sense of insecurity "due to recent release from the armed forces."<sup>29</sup> In addition, particular dangers for women may arise if disarmament programs are ineffective. In Mozambique, for example, because of the small weapons left in circulation after the civil war, women were at greater risk of being raped or robbed at gunpoint.<sup>30</sup> Failing to acknowledge the impact of male DDR programs on women can thus indirectly increase sexual violence.

In addition, DDR for female combatants ignore women's experiences of sexual violence during conflict. Female combatants are more likely to be victims of sexual violence if they are in armed groups. A study on girls in fighting forces in Sierra Leone, Mozambique, and Uganda, for example, found that "nearly all abducted girls are raped, and girls associated with fighting force almost universally report sexual violence."<sup>31</sup> To adequately reintegrate these women, programs for women must therefore address the associated consequences of wartime sexual violence including, HIV/AIDS, pregnancies, STDs, psychological trauma, and social stigmatization.

Women who were not combatants but were attached to armed groups are often ignored in DDR programs, despite the fact that they too were likely victims of sexual violence. Women typically provide armed units with range of services including cooking, cleaning, and sexual services for one or many combatants. For example, in Sierra Leone, women were commonly abducted into the Lord's Resistance Army (LRA) and allocated as "bush wives" to rebel leaders. DDR programs in Sierra Leone often failed to recognize the "bush wife" relationship, with

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<sup>29</sup> Badden, 4.

<sup>30</sup> Alcinda Antonio De Abreu, "Mozambican Women Experiencing Violence" in Meredith Turshen and Clotilde Twagiramariya, *What Women do in Wartime: Gender and Conflict in Africa*, eds. London: Zed Books, 1998, 76.

<sup>31</sup> S. McKay and D. Mazurana, "Where are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives During and After War, Montreal, Rights & Democracy," cited in Bastick, 184.

disastrous consequences. For example, because “bush marriages” had legal standing, after conflict “bush wives” were unable to access micro-credit programs unless accompanied by their “bush husbands.” Thus, women who had fled these forced marriages were unable to receive funding. Other DDR programs fail to address conflict that occurs between “bush husbands” and husbands at home when “bush wives” are released home. This was the case in Mozambique, for example, where reports indicated fights between “bush husbands” and women’s family members over the release of captive females in the demobilization camp.<sup>32</sup> The failure to address women’s involvement in armed groups (even as non-combat forces) causes DDR programs to overlook the sexual abuse, including force marriage, experienced by women in conflict, and by doing so makes women increasingly vulnerable after conflict.

After conflict, women face specific challenges in reintegration. For example, Jessica Lenz, in her analysis of former LRA girl combatants, notes that when women were reintegrated into their communities after their abductions by the LRA, their communities thought they were “possessed” because they are more willing to speak out, and consequently made them undergo brutal cleansing programs.<sup>33</sup> Girls who reintegrated from the Tamil Tigers also had gender-specific security concerns. For example, girls were often more vulnerable to re-recruitment by the Tamil Tigers because their short haircuts made them instantly identifiable. As Human Rights Watch reports, “Virtually all girls in Sri Lanka, particularly those in rural areas, wear their hair very long. As part of their indoctrination, girls are typically given very short haircuts after they become part of the LTTE’s forces... when they returned home [they] were instantly identifiable as former LTTE cadres. Many girls are extremely self-conscious of their short hair and believe it

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<sup>32</sup> There are problems for example, in programs that programs fail to recognize that women want to stay with their bush husbands after conflict, as was the case sometimes in Liberia where, according to Bastick, Grimm and Kunz, many girls wanted to stay with their “bush husbands” rather than be reunited with their families or homes of origin. S. McKay and D. Mazurana in Bastick, 184.

<sup>33</sup> Jessica Lenz, “Women and Conflict,” Conference, School of International and Public Affairs, December 7, 2012.

increases their risk of re-recruitment.”<sup>34</sup> These examples reveal that women and men combatants have different needs after conflict, and demonstrate the need for gender-specific reintegration programs.

DDR programs that do not address economic sufficiency of female ex-combatants fail to address vulnerabilities that make women more susceptible to sexual violence after conflict. Many DDR programs are based on assumptions of “women’s work” and only provide training for less profitable professions, despite the fact that women and girls often acquire more advanced (and more lucrative) skills during combat. DDR programs in Sri Lanka, for example, trained former female Tamil Tigers in Sri Lanka to sew. Yet as one demobilized female Tamil Tiger explained, “When I was in the Tamils, I was a medic. I don’t want to be a seamstress; I want to be a doctor.”<sup>35</sup> By relying on gendered assumptions of what women and men’s capabilities, even DDR programs with the best intentions may solidify gender inequalities that ultimately make women the more vulnerable members of society.

Furthermore, often economic programs are accessible to both men and women in theory but in practice are only accessible to men. Anne Marie Goetz argues that women may not benefit from employment programs that do not make specific provisions to make employment accessible for women by addressing constraints on their labor such as childcare. “Similarly women may not benefit from infrastructure programs that revive markets in which women are not active or build social infrastructure without facilities for girls and women.”<sup>36</sup> For example, while microfinance programs may be open to women in theory, often women do not have capital

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<sup>34</sup> “Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka,” *Human Rights Watch*, Vol. 16, No 13, November 2004, 46.

<sup>35</sup> Jo Becker, “Women and Conflict,” Conference, School of International and Public Affairs, December 7, 2012.

<sup>36</sup> Goetz.

or access to credit and therefore they cannot access microfinance loans.<sup>37</sup> Failure to recognize women's specific needs after conflict will only exaggerate inequalities that sustain women's vulnerable status and make them more vulnerable to sexual violence in post-conflict contexts.

### Justice for Whom? Addressing Sexual Violence in Transitional Justice

Peacekeeping operations often help implement transitional justice systems. They are seen as an important mechanism for the establishment of peace, a way to institute a culture of human rights, to provide redress for victims, to establish a shared national history, and to strengthen the rule of law. Yet, justice mechanisms are often inaccessible for women who have experienced sexual violence.<sup>38</sup> By appearing in court, women risk increased social stigma, renewed insecurity, or re-victimization. Prosecutors often ask questions that speculate on the validity of women's sexuality, attack her credibility, or make women answer intimate and uncomfortable questions in front of a room of people. Thus, even if Peacekeeping Operations help implement transitional justice mechanisms, women are unable to access them and, as Sarah Wells points out, "Justice that exists only in theory is no justice at all."<sup>39</sup>

Peacekeeping operations endorse a range of transitional justice mechanisms to build peace and reduce insecurity. One such system, Truth and Reconciliation Commissions (TRCs),

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<sup>37</sup> Chris Blattman, "Women and Conflict," Conference, School of International and Public Affairs, December 7, 2012.

<sup>38</sup> Rape was only recognized as a war crime in the 1990s. The Rome Statute (2002) recognizes rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity as a crime against humanity.

<sup>39</sup> Wells sites Penal Reform Interim Report. National law often discriminates against women as well. In many post-conflict countries, gender inequality is entrenched in national law, limiting women's paths to redress even if international law condemns sexual violence. In Sierra Leone, although the constitution formally contains a guarantee of sex equality, provisions permitting discrimination in adoption, marriage, divorce, and inheritance, among other areas, nullify this guarantee. Furthermore, Customary law and Islamic law, the two systems under which most women are married, consider women as minors. In addition, a married woman can only refuse sex with her husband "if she is physically ill, menstruating, breastfeeding, during the day, in the bush, or during Ramadan..."<sup>39</sup> Customary practices in the DRC, similarly solidify inequalities- arranged marriage, early marriage, and forced marriage are common place, and raping a woman is perceived as an offense against the family that needs to be repaired by paying financial compensation or by marrying the raped girl.<sup>39</sup> Without equality in law, it is difficult for women to access the justice system and to exact retribution for the abuse they have endured. LaShawn R. Jefferson, In War as in Peace: Sexual Violence and Women's Status and Breton LeGoff, 31.

are meant to provide victims with a space for emotional catharsis through the telling of their stories, to build respect for the law and human rights culture, and to extend justice to those unable to access more formal criminal trials due to financial, logistical, and capacity constraints. Yet, as Goldblatt and Meintjes and Fiona Ross have argued, the very model of TRCs bars women victims of sexual violence from access. “A model of justice which calls for public disclosure, truth telling, and dialogue has particular consequences for women, in particular for female survivors of sexual violence, who face a disproportionate degree of shame, social stigma and condemnation due to the sexual nature of the crimes they have suffered.”<sup>40</sup> Women are unlikely to go public with their experiences if it involves the risk of victimization and stigmatization through public discourse.

Indeed, the majority of past TRCs have failed to address sexual violence even when it was widespread in their respective countries. Both the TRC in El Salvador and the TRC in Guatemala only mentioned a few issues of gender-based violence despite its prevalence throughout their civil wars. In South Africa’s famous TRC, only a handful of women spoke publically about sexual abuse.<sup>41</sup> When they did, the abuses they testified about were not treated with the same gravity as other human rights abuses. For example, when Lisa Mazibuko recounted her experience of rape by three African National Congress [ANC] fighters, General Andrew Masondo responded inconsiderately. “In [ANC camps] there are at one time twenty-two women in a group of more than 1 000 people,” he said, “The law of supply and demand must have created some problems.”<sup>42</sup> Masondo’s suggestion that “boys will be boys” normalizes

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<sup>40</sup> Beth Goldblatt and Sheila Meintjes, “Gender and The Truth and Reconciliation Commission,” 2006 and Fiona Ross, “Bearing Witness: Women and The Truth and Reconciliation Commission in South Africa,” 2003. Both of these sources provide critical analyses of the South African Truth and Reconciliation Commission in view of the experiences of female survivors of apartheid.

<sup>41</sup> “South Africa Truth and Reconciliation Final Report: Special Hearing on Women,” March 2003.

<sup>42</sup> General Andrew Masondo’s testimony to the TRC in “South Africa Truth and Reconciliation Final Report: Special Hearing on Women,” March 2003.



sexual violence. Women are unlikely to testify if there is a possibility that responses will gloss over the seriousness of the crime and discount it as a human rights abuse.

The *Gacaca* court model in Rwanda similarly sought to issue justice after genocide but like TRCs, it has so far failed to consider the specific needs of female sexual violence victims. Its ambitious program aimed to try 100,000 accused genocidaires, end the culture of impunity, render overdue justice to victims, reveal the truth, enable communities to solve their problems in a manner consistent with Rwandan culture and provide national reconciliation.<sup>43</sup> Yet as Wells has argued, given female genocide survivors' particular vulnerable social positions (as widows, heads of households, and with fewer material resources than their male counterparts), they are "more susceptible to community pressure not to disclose shameful violations and publically identify themselves as sexual assault victims."<sup>44</sup> Furthermore, sexual violence falls under the jurisdiction of criminal courts in Rwanda- not *Gacaca*- but opportunities to prosecute sexual violence by these means is limited because criminal courts are geographically, procedurally and financially inaccessible to the majority of Rwandans. By marginalizing women's voices and their experience of sexual violence from *Gacaca*, national memory is incomplete, justice is not fully served, and *Gacaca* has thus not fulfilled its goals.

Traditional justice models similarly fail to comprehensively address sexual violence. The international community often endorses traditional (and unequal) justice models emphasizing their value in re-integration, community building, and mediation. Such models have been launched in Bangladesh, Ivory Coast, Guinea and other countries. However, these traditional mechanisms often reinforce traditional gender roles and ignore the rights of women. Indeed, in

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<sup>43</sup> Wells, 176.

<sup>44</sup> Ibid, 183.

these models, punishments imposed on rapists were often “negligible or non-existent” and a rapist might be absolved if he marries the survivor.<sup>45</sup>

If proper provisions to address the specific needs of women are not established, justice mechanisms will fail to address sexual violence. This would be a profound disappointment because, as Rubio-Marín argues, transitional justice offers “wonderful opportunities to give women voice, but also to ensure that this voice transcends and reaches the public ... and to render women’s sexual violence explicit.”<sup>46</sup> Transitional justice models can, however, address sexual violence by including mechanisms that protect women who testify. For example, the Sierra Leone TRC has an explicit focus on sexual violence. Its establishing act called for the Commission to “work to help restore the human dignity of victims ... giving special attention to the subject of sexual abuses” and three of its seven commissioners were women. It included special hearings designed to specifically address the needs of female victims. Efforts were made to provide a comfortable and enabling environment, for example by giving women a private space before and after they testified and providing them with food, drink, medical assistance, travel, and accommodation. Only female commissioners interviewed victims, and more than 40 percent of the statement takers were women. Victims could decide to have closed hearings or public hearings.<sup>47</sup>

Similarly, the Special Court in Sierra Leone by SCR 1315 adopted a broad definition of sexual violence including “rape, sexual slavery, enforced prostitution, forced pregnancy and any other form of sexual violence.” The Statute explicitly calls for the appointment of gender-sensitive staff to deal with crimes of sexual violence.<sup>48</sup> The Court adopted a prosecution

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<sup>45</sup> R. Da Costa cited in Bastick, 165.

<sup>46</sup> Bastick, 158.

<sup>47</sup> “Truth and Reconciliation Commission, Sierra Leone “ Vol, 2, Ch. 4, 2004 cited in Bastick, 159-150.

<sup>48</sup> Ibid, 159.

strategy that incorporated crimes of sexual violence from the outset, and a trial attorney was specifically tasked with the prosecution plan for sexual violence crimes. Two experienced women investigators (out of the team of ten) were assigned to investigate crimes of sexual violence. They adopted a gender-sensitive interviewing method to ensure that victims of sexual violence felt comfortable reporting crimes. Witness preparation was emphasized, to ensure witnesses understood the implications of testifying.

Another strategy recently launched in the Democratic Republic of Congo similarly aims to address specific needs of female victims. “Mobile Gender Courts,” a partnership between the American Bar Association Rule of Law Initiative (ABA ROLI), MONUSCO, Congolese NGOs, and other organizations conduct rape trials in some of the most remote areas of the DRC. These courts are temporary and operate for a limited amount of time, sometimes under the cover of a tent. They involve a full team of justice sector professionals including judges, prosecutors, defense lawyers, and bailiffs trained in international law about sexual violence. The courts provide psychological support and health services to victims in addition to providing them with access to justice that has been denied to them for so long.

Efforts in Sierra Leone and the DRC to address the specific needs of female sexual violence victims demonstrate that transitional justice models are in fact capable of issuing justice to sexual violence victims. Yet without provisions that address women sexual violence survivors’ specific needs, they are likely to marginalize women’s voices, limit the scope of justice, and maintain a culture of impunity in which women’s safety is continually threatened.

### Conclusion

This paper has shown that if peacekeeping operations do not acknowledge the specific vulnerabilities and needs of women, they will not adequately address sexual violence. Security

Sector Reform that ignores women's needs will fail to protect women from abuse. DDR programs that do not acknowledge women's roles or their experiences of sexual violence in conflict leave women more insecure once conflict ends. Transitional justice that ignores the specific vulnerabilities of women cannot deliver comprehensive justice or address sexual violence head on. Ultimately, marginalizing women from these programs results in a failure to deliver peace and security to women, and by extension fails to deliver peace and security more generally.

Reforms implemented in the shadow of Resolution 1325 in SSR, DDR, and transitional justice have not gone far enough. Lack of political will and follow-through prevent programs from being fully implemented. The addition of women to peacekeeping operations, in absence of sufficient training, will not comprehensively combat sexual violence. Programs for women that do not transcend gender stereotypes, like the Sri Lankan DDR programs that teach trained medics to sew, fail to tackle inequalities that make sexual violence recur after conflict.

Despite these problems, this essay has shown some progress in addressing sexual violence in peacekeeping operations. Several programs have indeed addressed the specific vulnerabilities of women. SSR programs have dealt with sexual violence by institutionalizing gender units and gender trainings, hiring female security forces, and protecting women in particularly insecure contexts, like on firewood-gathering routes. DDR programs have implemented programs for female combatants. Transitional justice has provided support for female victims so that they feel comfortable testifying and thus can access justice.

As the international community looks forward on ten-plus years since the passage of Resolution 1325, it has reason to celebrate. Reforms in peacekeeping operations that have addressed sexual violence were long over due and their implementations have been significant.

However, with conflict increasing in the DRC and around the world, sexual violence is bound to continue. The international community must continue to reform the system so that women's needs are comprehensively addressed in all peacekeeping operations.

Looking to the future, it is clear that sexual violence can only be mitigated by the consideration of the specific needs of women and girls in conflict. To do this, the international community must make sure that women help shape post-conflict policy. Efforts to empower women's civil society groups to organize are a start. In Bosnia, for example, grassroots women's activists established mobile health clinics to provide gynecological and psychological care to rape and sexual assault providers. Yet women's participation at the international level is still meager. For example, a review of 24 major peace processes from 1992 – 2008 found that just 2.1 per cent of signatories to peace deals were women; that women's participation in negotiated delegations averaged 7.1 percent; and that no women were appointed chief mediators in UN-sponsored peace talks.<sup>49</sup> The next step for the international community in its fight to combat sexual violence is to make sure that women are part of peace processes so that women on the ground have full access to peace. Yet if the international community continues to deny women an equal role in the peace process, women may just claim it for themselves. As a Ugandan former LRA member explained, "I am a girl. I have rights. I have been denied my life because of this war; I will not be denied my role in peace."<sup>50</sup>

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<sup>49</sup> UNIFEM, 'Sexual Violence in Peace Agreements: A Quantitative Analysis', New York, June 2009 cited in Jenkins and Goetz.

<sup>50</sup> Interview with former LRA girl fighter, Lenz.