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### Combating Inequality: The Value of Acknowledging Gender in Transitional Justice

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## Combating Inequality: The Value of Acknowledging Gender in Transitional Justice

### Abstract

Patriarchal inequalities have become exacerbated in nations occupied by mass violence, conflict, and violations of human rights, such as Bosnia-Herzegovina, Ghana, Sierra Leone, and Colombia. Gender-based violence is often not adequately recognized in processes transitional justice. In this essay, I observe and analyze sexual and gender-based violence in several countries and the ignorance or attention they were given by truth commissions, reparations, and other aspects of transnational justice. I also explore data regarding the aftermath of such violence, including the feminization of poverty and political insecurity. I discovered that recognizing gender when attempting to build reconciliation is a hesitant task and thus, there are enduring issues embedded in conflict-stricken nations and their societies. Gender-based violence must not only be recognized in processes of transitional justice but also addressed appropriately. In order to establish lasting peace and reconciliation for victims and survivors of gender-based violence, structural transformations and compensation must be enacted.

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**Abstract**

*Patriarchal inequalities have become exacerbated in nations occupied by mass violence, conflict, and violations of human rights, such as Bosnia-Herzegovina, Ghana, Sierra Leone, and Colombia. Gender-based violence is often not adequately recognized in processes transitional justice. In this essay, I observe and analyze sexual and gender-based violence in several countries and the ignorance or attention they were given by truth commissions, reparations, and other aspects of transnational justice. I also explore data regarding the aftermath of such violence, including the feminization of poverty and political insecurity. I discovered that recognizing gender when attempting to build reconciliation is a hesitant task and thus, there are enduring issues embedded in conflict-stricken nations and their societies. Gender-based violence must not only be recognized in processes of transitional justice but also addressed appropriately. In order to establish lasting peace and reconciliation for victims and survivors of gender-based violence, structural transformations and compensation must be enacted.*

## **Introduction**

Gender is an important framework of identity that must be considered in transitional justice in order to create sufficient reconciliation. Gender's significance—and how it should be acknowledged—can spark debate, especially when comparing specific cases where addressing gender inequalities played a large role on the path to reconciliation. By directly comparing the cases of Bosnia-Herzegovina, Ghana, Sierra Leone, and Colombia, their governments, their truth commissions, and other actors, such as citizens and victims, can learn the proper method of addressing gender inequalities after conflicts. Some nations, such as Bosnia-Herzegovina, Ghana, and Colombia have failed to recognize the role that gender plays in transitional justice which has led to the feminization of poverty, failure to address sexual violence, geographic displacement, and political insecurity. Each of these challenges must be addressed in transitional justice.

To fully understand the role of gender in transitional justice, it is important to analyze and compare different cases globally. Through analyzing different cases involving gender and transitional justice, their success and failures can be uncovered. With this in mind, governments and their truth commissions can create the most satisfactory plans for reconciliation in the future. Authors Annika Björkdahl and Johanna Mannergren Selimovic give the example case of Bosnia-Herzegovina and the struggles of recognizing gender issues in transitional justice methods in Olivera Simic's book "An Introduction to Transitional Justice."

## **Bosnia-Herzegovina**

Bosnia-Herzegovina exemplifies the dangers of ignoring gender in transitional justice. The Bosnian war caused suffering for women which outlived the conflict. The conflict in Bosnia lasted from 1992 to 1995 and, during this time, there was a mass rape of women along with large

rates of human trafficking. After the conflict, there has been an increase in misogyny, violence, and infantilization of women- more Bosnian women are experiencing violence and victims have been getting younger (Kostovicova et al., 2020). Besides the widespread rape, some of the most apparent dangers that can be combated through transitional justice include the growing population of women in poverty and the reluctance of survivors of sexual assault to come forward.

Since the conflict in Bosnia-Herzegovina, more women have experienced poverty. Conflict in patriarchal societies often puts women in positions as the head of the household due to the absence of men. Many men were involved in the conflict as combatants or were victims of massacres by Bosnian forces. Because of traditional gender norms in these societies, it is more difficult to find employment, let alone employment that one might live off of. Journalists Senada Smajic and Sergio Ermacora's analysis of households headed by women in Bosnia-Herzegovina puts this into perspective. According to their analysis, 7.3% of house-heading women self-reported living under the poverty line (p. 81). Of these self-reported female-headed households, 77% were widowed women (p. 85). Although it is not stated exactly why these women are widowed, it can be assumed that a portion of those women lost their husbands to the conflict. Additionally, 15% of house-heading women experience unemployment, whereas the statistic for house-heading men is 12% (p. 78). Interestingly, these numbers date back to 2007, showing that even 12 years after the conflict, the feminization of poverty was still apparent. This brings forth the question: what did the Bosnian government do to address this issue after the conflict, and what changes should be made moving forward?

After the conflict and the Bosnian government's realization of the gender disparities in the nation, they implemented several Gender Action Plans. The goals of these plans include more

research into gender disparities, putting more women into positions of power, improving economic and social conditions for women, and raising awareness in favor of equality (“Bosnia and Herzegovina”) (“FIGAP”). These plans were implemented in 2006 and have been continuously revised. The first plan aspired to reach its goals in 5 years; however, the need for revised plans proves that this plan was insufficient. Additionally, the alternative forms of reparations by the government have not provided adequate reconciliation for victims. There were ethnic divisions drawn among victims, which led to increased tension between victims and a struggle for reconciliation. Women's groups have played more of a role in providing reparations and care than the government, further proving the government’s lack of successful recognition of gender-based issues (“Bosnia and Herzegovina”) (“FIGAP”). To address and properly reconcile with victims, the government should consider creating stronger programs that also provide women experiencing poverty with proper medical care, financial stability, and therapy. These aspects combined with former plans can provide support for many women while simultaneously helping pull them out of poverty. Besides, the feminization of poverty, women coming forward with their experiences has also become an issue in Bosnia-Herzegovina.

After the conflict in Bosnia-Herzegovina, both men and women struggled to communicate their experiences with gender-based violence. Specifically, with sexual violence, men and women struggle to talk about their experiences due to factors such as fear of societal shame and naming their perpetrators. When victims, typically women, come forward they undergo overwhelming stigmatization.

In traditional societies, women and men fear being stigmatized by community members if they tell their experiences of the sexual violence they endured. As a result, they typically stay silent or censor their stories, leaving out important details. In 2015, the United Nations

Population Fund conducted a survey that showed that two-thirds of its participants - sexual violence victims- had experienced “condemnation, insults, and humiliation in the community from the moment when their neighbors or friends or some family members learned that they were the victims of sexual violence during the war” (Hanušić Bećirović et al., 2017). This demonstrates that victims are understandably apprehensive about coming forward due to public shame. Besides this, naming perpetrators can be difficult for victims of sexual violence.

Naming perpetrators and holding them accountable is a hard process as it can put victims in danger and make them recount traumatic experiences. Björkdahl and Selimovic elaborate on the issue of naming perpetrators. They state, “Several witnesses have been threatened, and programs for witness protection are either non-existent or very marginal. It is clear that criminal justice provides women not just with relief, but also pain as they have to revisit past sufferings (p. 82). The presence of these issues has interrupted the truth-telling process of transitional justice. It is also important to note that it was a struggle to develop truth commissions because the polarized society and tribunals failed to adequately address the mass sexual violence and prosecute perpetrators. However, there are adjustments that could have been made to help provide more support to the individuals coming forward.

Naming perpetrators could be a much easier and more successful process if more programs existed in which victims and witnesses feel more protected and supported when recounting their traumatic past. Reformed methods of witness protection would leave those who are reluctant to forward feeling more comfortable with telling the truth. They would not feel inclined to exclude certain details due to safety concerns, but for reasons of hesitating to recount or re-experience the trauma. However, with more programs that provide psychological support, the trauma can be less severe and overwhelming. With more supportive programs in play,

accountability can be approached more feasibly. Without victims going into detail, it is difficult to locate perpetrators in order to hold them accountable and establish their punishment. Thus, reforms would also benefit tribunals, one of the key mechanisms for transitional justice. The case of Bosnia-Herzegovina is not the only example of a nation falling short in acknowledging and approaching the issue of sexual violence post-conflict, issues with sexual violence can also be seen throughout Africa.

### **Ghana**

The Ghana case shows the importance of distinguishing the sexual violence of women from broader groups of human rights violations. In Ghana, to create reconciliation post-conflict, the National Reconciliation Commission was established. This commission created public hearings, giving women affected by sexual violence the opportunity to come forward and talk about their experiences. However, these hearings were problematic as they were not curated specifically for women impacted by sexual violence. They were public and daunting. As a result, gender-based sexual violence towards women was combined with broader human rights violations. This led to women not feeling acknowledged in the report and they felt as if their experiences were being trivialized. This case emphasizes the importance of distinguishing different instances of human rights violations, rather than grouping them together. Additionally, it emphasizes the need for hearings that are specific to gender. However, Sierra Leone presents a case of an effective approach to reconciling gender-based violence.

### **Sierra Leone**

In Sierra Leone, after the civil war, they created a truth commission to reconcile gender-based violence. Their truth commission dedicated 20% of its investigative staff to investigating sexual violence and included many women, which helped victims feel more



comfortable talking about their experiences. The truth commission gave specific attention to women and children and was influenced by women's advocacy groups and public hearings. Additionally, the truth commission made sure it had a full understanding of the gender-based violence in Sierra Leone by understanding and comparing gender-based experiences both before and after the conflict. Although their methods of interviewing women were problematic and there were instances of victim-blaming at first, they learned and became more aware of the language women use to refer to traumatic experiences. Women often censored themselves when retelling stories and the truth commission recognized those patterns. Because of the effort the truth commission put into the case, the report fully acknowledged gender-based violence and inequalities (Scanlon & Muddell, 2020). Sierra Leone properly acknowledged and addressed sexual violence towards women with transitional justice; but there are other gender-based issues that develop after conflict and are ignored, such as displacement and political insecurity. This was seen widely in Colombia.

### **Colombia**

Since the late 1990s, many women in Colombia have experienced displacement as well as political and economic insecurity due to civil armed conflict in the region. Methods of transitional justice for these women, such as reparations, are rarely discussed. Women who moved due to the fear of sexual violence deserve to be heard and these victims should be reconciled with. However, the Colombian government fails to acknowledge mass displacement and how it impacts women. In an article by Julieta Lemaitre and Kristin Bergtora Sandvik, they discuss the impact displacement has on women specifically and how it enforces forms of marginalization, such as discrimination in health care, education, and political affiliations. They state, "for women IDPs (Internally Displaced Persons), these cross-cutting forms of

marginalization are compounded by gender-specific vulnerabilities, such as the risk of sexual violence and of poor maternal health as well as increased risk of loss of property without compensation” (2014). Besides displacement, political insecurity was also an issue apparent in post-conflict Colombia.

Colombia still has a long way to go when it comes to including women in politics. The article by Julieta Lemaitre and Kristin Bergtora Sandvik refers to women in Colombia as politically insecure, meaning they do not have enough representation in politics. According to an Inter-Parliamentary Union database, in the late 1990s, women only represented 13.4% of seats in the Senate and 11.8% in the House of Representatives. These statistics further show that women experienced political insecurity- those in power (predominantly men) were unable to enact legislation that adequately represented the needs of women. To combat the risks of violence and poor health and the political insecurity of women, the Colombian government should consider reparations similar to those recommended for Bosnia-Herzegovina. Monetary reparations and medical support would help pull displaced women out of poverty and drastically improve their livelihoods.

### **Discussion**

After analyzing cases in Bosnia-Herzegovina, Africa, and Colombia, it is clear that acknowledging gender-based violence and inequalities that come out of conflict is more beneficial to victims and economic stability in a nation than ignoring gender disparities. The positive impacts that come out of recognizing such disparities include reconciliation, the spread of legal norms surrounding sexual violence, and effective truth-seeking. Men and women who are affected by gender-based violence will be more open to reconciling if their experiences are heard and acknowledged through a transitional justice mechanism. Additionally, the

implementation of transitional justice mechanisms creates a spread of legal norms that lead to more nations becoming aware of gender-based violence. An example that demonstrates this is that some nations that previously did not consider sexual violence are beginning to take it seriously and criminalize sexual violence. When the International Criminal Court acknowledged it as a war crime, it spread a legal norm that helped prosecute sexual violence perpetrators. When the International Criminal Court acknowledges gender-based violence, national courts will feel more inclined to recognize it as well. As a result of recognizing gender-based violence and engaging in transitional justice, the truth-seeking process becomes much more effective and efficient. Special attention must be paid to gender in the truth-seeking process to receive the full truth and appropriately punish perpetrators. With more men and women coming forward and being completely honest about their experiences with gender-based violence, an increasing number of perpetrators will be named and punished, and tribunals will be able to establish accountability to a just extent.

Ignoring gender-based violence and inequalities by failing to address them through transitional justice mechanisms has proven to have several consequences. One of the more long-lasting effects of ignorance is the precedent of impunity. When perpetrators of sexual violence do not receive the punishment for their crime, women's experiences with sexual violence become trivialized. Another consequence of not implementing transitional justice that gives focus to gender is that final reports and records will be inaccurate as they may lack context or details of certain gender-based issues. Not implementing gender-based transitional justice undermines the full power and potential of different mechanisms. Transitional justice mechanisms have the chance to provide victims with a sense of reconciliation, thus, those mechanisms should not be ignored. In addition, ignoring transitional justice mechanisms such as

gender-based transformative justice can perpetuate patriarchal norms and violence against women. This suggests that to prevent further situations of injustice, transitional justice must acknowledge gender and the inequalities surrounding it.

### **Conclusion**

To conclude, it is clear to me that addressing gender-based violence is key to combating disparities between groups in transitional justice. I have come to this conclusion by addressing the cases of Bosnia-Herzegovina, Ghana, Sierra Leone, and Colombia. There are specific and appropriate methods to address different gender-based issues. Monetary reparations can aid women experiencing poverty and displacement after conflict, whereas, referencing back to the example of Sierra Leone, truth commissions and tribunals can play more of a role in addressing sexual violence. Transformative justice can combat political insecurity and patriarchal norms that suppress women's experiences. Failing to address the impact of gender-based violence on both men and women leads to regretful consequences, thus, to establish reconciliation, gender-based violence must be acknowledged and addressed by transitional justice mechanisms.

## References

- Bosnia and Herzegovina*. Unece.org. (n.d.). Retrieved April 22, 2022, from [https://unece.org/fileadmin/DAM/Gender/documents/Beijing%2B15/Bosnia\\_and\\_Herzegovina.pdf](https://unece.org/fileadmin/DAM/Gender/documents/Beijing%2B15/Bosnia_and_Herzegovina.pdf)
- FIGAP - FUND FOR THE IMPLEMENTATION OF THE GENDER ACTION PLAN IN BIH*. Austrian Development Agency. (n.d.). Retrieved April 22, 2022, from <https://www.entwicklung.at/projekte/detail/figap-fund-for-the-implementation-of-the-gender-action-plan-in-bih>
- Hanušić Bećirović, A., Mahmić, A., Hujdur, A., & Tiro, L. (2017, May 1). *Tuberculosis and antimicrobial resistance - new models of research and development needed*. Bulletin of the World Health Organization. Retrieved April 22, 2022, from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5418818/>
- Kostovicova, D., Bojicic-Dzelilovic, V., & Henry, M. (2020, March 18). *The political economy of gender-based violence in Bosnia and Herzegovina*. LSE Women, Peace and Security blog. Retrieved April 22, 2022, from <https://blogs.lse.ac.uk/wps/2020/03/12/the-political-economy-of-gender-based-violence-in-bosnia-and-herzegovina/>
- Scanlon, H., & Muddell, K. (2020, February 10). *Gender and Transitional Justice in Africa*. ACCORD. Retrieved April 22, 2022, from <https://www.accord.org.za/ajcr-issues/gender-and-transitional-justice-in-africa/>
- Smajic, S., & Ermacora, S. (n.d.). *Poverty amongst female-headed households in ...* - *sciendo.com*. Sciendo. Retrieved April 22, 2022, from <https://sciendo.com/pdf/10.2478/v10033-007-0017-x>

Women in parliaments: World classification. (n.d.). Retrieved April 22, 2022, from  
<http://archive.ipu.org/wmn-e/classif.htm>