Submission from UN Women pursuant to Human Rights Council resolution 42/17 on “Human Rights and Transitional Justice”

UN Women is pleased to respond to the request for submissions to the Office of the High Commissioner for Human Rights, particularly concerning the request for:

*Examples and results of gender-responsive transitional justice processes – including specific measures to ensure full, effective and equal participation of women and girls, increase their role in decision-making and contribute to their empowerment – and their contribution to sustaining peace and development.*

# Background

UN Women’s work on transitional justice is situated in the context of the Security Council resolutions on women, peace and security, as well as human rights conventions and supporting texts, including General Recommendations 30 and 33 of the CEDAW Committee, and other commitments, including the Sustainable Development Goals.

References to transitional justice in the Security Council’s ten resolutions on women, peace and security include:

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| Resolution 1325 (2000) | 11. Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard stresses the need to exclude these crimes, where feasible from amnesty provisions. |
| Resolution 1820 (2008) | 4. Notes that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide, stresses the need for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes, and calls upon Member States to comply with their obligations for prosecuting persons responsible for such acts, to ensure that all victims of sexual violence, particularly women and girls, have equal protection under the law and equal access to justice, and stresses the importance of ending impunity for such acts as part of a comprehensive approach to seeking sustainable peace, justice, truth, and national reconciliation. |
| Resolution 1888 (2009) | 6. Urges States to undertake comprehensive legal and judicial reforms, as appropriate, in conformity with international law, without delay and with a view to bringing perpetrators of sexual violence in conflicts to justice and to ensuring that survivors have access to justice, are treated with dignity throughout the justice process and are protected and receive redress for their suffering. |
| Resolution 1889 (2009) | 10. Encourages Member States in post-conflict situations, in consultation with civil society, including women’s organizations, to specify in detail women and girls’ needs and priorities and design concrete strategies, in accordance with their legal systems, to address those needs and priorities, which cover […] gender-responsive law enforcement and access to justice […]. |
| Resolution 1960 (2010) | 5. Calls upon parties to armed conflict to make and implement specific and time-bound commitments to combat sexual violence, which should include, inter alia, issuance of clear orders through chains of command prohibiting sexual violence and the prohibition of sexual violence in Codes of Conduct, military field manuals, or equivalent; and further calls upon those parties to make and implement specific commitments on timely investigation of alleged abuses in order to hold perpetrators accountable. |
| Resolution 2106 (2013) | 4. Draws attention to the importance of a comprehensive approach to transitional justice in armed conflict and post-conflict situations, encompassing the full range of judicial and non-judicial measures, as appropriate. |
| Resolution 2122 (2013) | 10. Stresses the need for continued efforts to address obstacles in women’s access to justice in conflict and post-conflict settings, including through gender-responsive legal, judicial and security sector reform and other mechanisms. |
| Resolution 2242 (2015) | 14.  Urges Member States to strengthen access to justice for women in conflict and post-conflict situations, including through the prompt investigation, prosecution and punishment of perpetrators of sexual and gender based violence, as well as reparation for victims as appropriate, notes that the fight against impunity for the most serious crimes of international concern committed against women and girls has been strengthened through the work of the International Criminal Court, ad hoc and mixed tribunals, as well as specialized chambers in national tribunals and reiterates its intention to continue forcefully to fight impunity and uphold accountability with appropriate means. |
| Resolution 2467 (2019) | 16d. Encourages concerned Member States to ensure the opportunity for the full and meaningful participation of survivors of sexual and gender-based violence at all stages of transitional justice processes, including in decision-making roles, recognizes that women’s leadership and participation will increase the likelihood that transitional justice outcomes will constitute effective redress as defined by victims and will respond to important contextual factors. |
| Resolution 2493 (2019) | 6. Strongly encourages Member States to create safe and enabling environments for civil society, including formal and informal community women leaders, women peacebuilders, political actors, and those who protect and promote human rights, to carry out their work independently and without undue interference, including in situations of armed conflict, and to address threats, harassment, violence and hate speech against them. |

UN Women’s approach to transitional justice is focused on the following principles:

* **Survivor-centered:** UN Women seeks to place the rights, needs, expertise, capabilities and aspirations of survivors at the center of our efforts on transitional justice.
* **Transformative:** UN Women’s programming on transitional justice supports processes to address individual and communal gender-based harms, while also using transitional justice processes as an opportunity to begin to address underlying gender inequality – for example, by supporting the reform of discriminatory laws, or by including individuals from marginalized groups as decisionmakers.
* **Intersectional:** UN Women’s programming addresses intersectional inequalities, seeking to include those most likely to be left behind in its efforts to advance gender equality, including youth, individuals of diverse sexual orientations and gender identities, people with disabilities, indigenous peoples, and IDPs and refugees.
* **Comprehensive:** UN Women’s programming on transitional justice seeks to address the full range of gender-based harms, including sexual and gender-based violence, as well as social and economic human rights violations.
* **Locally-owned:** UN Women works with national stakeholders from both government and civil society – including diverse women’s organizations – to develop, implement and monitor programming, ensuring local ownership.
* **Sustainable:** UN Women programming is linked with other aspects of the organization’s mandate, such as economic empowerment, and to other components of peacebuilding, such as infrastructure development, to ensure that the impact and sustainability of programming extends beyond the scope of a given truth commission, trial or reparations process.
* **Innovative:** UN Women’s approach to programming seeks to use new strategies to address exclusion, and rising to meet new challenges, including protracted conflicts, the shrinking space for civil society, climate change and violent extremism.

# Examples of Gender-Responsive Transitional Justice Processes

UN Women continues to work hand in hand with women, including survivors of human rights violations, to constantly develop improved and more adapted approaches to our work. The following examples of UN Women’s support to transitional justice processes is not exhaustive; rather, examples were selected due to their innovative, survivor-centered and inclusive approaches, and their transformative outcomes which contribute to sustaining peace and sustainable development. The information included below is drawn from the UN Women publication This section of the submission is based on the UN Women publication, [*We Were Like Caged Birds, This Gave Us Wings to Fly:* *A review of UN Women Programming on Gender-Sensitive Transitional Justice*](https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/a-review-of-un-women-programming-on-gender-sensitive-transitional-justice-en.pdf?la=en&vs=5205.)(2019) and a forthcoming chapter in the Routledge Handbook on survivor centered justice, authored by Emily Kenney and Rozafa Kelmendi, “UN Women: Paving the Way towards a Survivor-Centered Approach to Justice.”

## Colombia[[1]](#footnote-1)

After 50 years of armed conflict and massive violations of human rights and humanitarian law, the Colombian State and the main guerrilla group, the FARC-EP (Revolutionary Armed Forces of Colombia—People's Army) signed a peace agreement in 2016. Gender issues played a strong role in the initial public rejection of the peace agreement during a referendum in 2016, demonstrating the division of the country between those with progressive views on gender equality and SOGI rights, and those in opposition.[[2]](#footnote-2)

The conflict resulted in an estimated 220,000 civilian casualties and forced over 1 million people to flee their homes. As of 2017, nearly 25,000 victims of CRSV had registered with the national victims’ unit.[[3]](#footnote-3) Sexual and gender-based violence and other discriminatory practices against women, as well as homo- and transphobic violence, have been part of the conflict but also beyond. Although Colombia has developed a comprehensive legal framework for addressing conflict-related sexual and gender-based violence,[[4]](#footnote-4) these reforms and efforts have not yet been fully translated into practice, and the daily reality of violence remains the same for many in the country.

Intersectional issues such as ethnicity, class, age and the rural–urban divide are additional factors that interact with gender to contribute to inequalities. This situation is owed to the conditions of vulnerability and inequality preceding, during and after the official end of the conflict. These inequalities were reflected and exacerbated in the kind of territorial and population control carried out by various armed actors during the conflict, and also lead to the persistence of barriers in accessing human rights, including the right to truth, justice, reparations and non-repetition.

UN Women programming was adapted to support the implementation of the gender-specific provisions related to the “Comprehensive System for Truth, Justice, Reparation and Non-Recurrence,” including the Special Jurisdiction for Peace and Commitment on Human Rights, as part of the implementation of the peace agreement.

Attention was given to intersectional discrimination by strengthening the capacity of Afro-descendant Colombian women and indigenous women of Bojaya (Chocó), for example. Activities included an open and plural dialogue among 300 diverse women, including survivors, rural women, indigenous women, Afro-Colombians, youth, older adults, LBTI (lesbian, bi, trans and intersex) women, mothers, grandmothers, women living with disabilities, among others. The aim of using an intersectional approach rather than viewing as a homogenous group is three-fold: to highlight the diversity of different women’s experiences of conflict without engaging in a competition of harms; to examine the ways in which different axes of identity-based discrimination and oppression intersect; and to open possibilities for historically marginalized individuals and communities to meaningfully articulate their concerns and needs. This has by necessity been a lengthy process, allowing diverse women to articulate their own understandings of and demands for gender-sensitive transitional justice on their own terms.

Based on these consultations with conflict-affected women, UN Women published a comprehensive report, [*Recommendations for the Incorporation of a Gender Perspective in the Future Commission for the Clarification of Truth, Coexistence and Non-Repetition*](http://www2.unwomen.org/-/media/field%20office%20colombia/documentos/publicaciones/2017/09/docpaz_resumen_web.pdf?la=es&vs=4755).[[5]](#footnote-5) The report influenced the establishment of the Colombian Truth Commission, and its comprehensive and intersectional approach to gender. UN Women also facilitated exchanges between different women affected by the armed conflict and professionals working on truth-seeking and transitional justice issues.

UN Women further supported different transitional justice actors, including the Colombian Attorney general’s office, through technical support for specific judicial cases, support in developing gender policies, by training investigators and prosecutors, peer-to-peer learning, international exchanges, and bringing together a diverse range of stakeholders by leveraging its convening powers.

## **Guatemala**[[6]](#footnote-6)

In February 2016, eleven Maya Q’eqchi’ indigenous women from Sepur Zarco became a rare exception to the “rule” of impunity for CRSV when a Guatemalan national convicted their abusers, two former senior military officers, of crimes against humanity, including sexual slavery.[[7]](#footnote-7) The *Sepur Zarco* case resulted in a landmark verdict for Guatemala, and for the world, as it was the first-ever conviction by a national court for the international crime of sexual slavery. The court also issued a wide-ranging reparations decision which included compensation for the women who brought the case, as well as collective, transformative reparations measures aimed at the State to address the root causes of the violations the women and their indigenous communities experienced, including improving access to health and education in their community.[[8]](#footnote-8)

The *Sepur Zarco* case is remarkable for its judicial precedent, but even more so for the role of the survivors, now respectfully known as the “Abuelas” (grandmothers) of Sepur Zarco, as leaders in steering the course toward justice. UN Women accompanied the Abuelas of Sepur Zarco on their path to justice in their criminal case and continues to support their efforts to see the reparations judgment fully implemented. Since 2014, this work has primarily been supported by grants from the UN Peacebuilding Fund, with UN Women leading three projects relating to the *Sepur Zarco* case in partnership with other UN entities and civil society organizations.[[9]](#footnote-9) The most recent round of funding from the Peacebuilding Fund, from 2017 to 2020, focused on supporting a safe and empowering environment for the Abuelas and other women in their indigenous communities to lead efforts to bring the *Sepur Zarco* reparations sentence to its full, transformative potential.[[10]](#footnote-10)

Among its achievements, the 2017-2020 project resulted in the establishment of a survivor-led mechanism to monitor the implementation of the reparations sentence by the State. For each of the 16 collective reparations measures included in the *Sepur Zarco* reparations sentence, one of the Abuelas was appointed as “ambassador,” monitoring implementation through the official, State process.[[11]](#footnote-11) The Abuelas sit on the monitoring committees, or “tables” (“mesas de reparaciones”) at the community, municipal and national levels. With leadership and guidance from one of the project partners, Mujeres Transformado el Mundo, the Abuelas also created a framework for tracking action on the reparation measures with clear, measurable indicators. While there has been progress on some measures, including the opening of a school and health clinic in their community, others still await resolution, including the critical measure of the restitution of ownership of the Abuelas’ ancestral lands.[[12]](#footnote-12) To recognize their role in the reparations process, the Public Ministry of Guatemala, together with UN Women, presented the Abuelas with the Naxjolomi medallion, which in Q’eqchi’ means “the one that leads.”[[13]](#footnote-13)

One of the most important and innovative strategies to ensure a survivor centered approach in the reparations project was to include the Abuelas on the project steering committee, with one of the Abuelas serving as co-president, along with UN Women’s country representative.[[14]](#footnote-14) The Abuelas’ leadership in the committee ensured that survivors’ guided and exercised control over every facet of the project, and that workplans and budgets responded to the realities of ongoing violence and insecurity in their communities. The final independent evaluation of the project recognized the broader transformative impact of this strategy: the fact that there was an indigenous woman survivor as co-president of the steering committee of a UN project was “an act of power in itself and one of the main results of the project,” countering the years of silence and invisibility that the Abuelas had endured.[[15]](#footnote-15) One of the key lessons learned from the project was that a survivor-centered approach to *programming* on justice helps to ensure that *outcomes* of that programming are similarly survivor-centered.

The final independent evaluation of the UN Peacebuilding Fund’s 2017-2020 project on reparations found that, “the investment in Q’eqchi’ women’s leadership generated profound and irreversible transformations in the status of women, which included a self-recognition as global, national and community leaders and, their role in advancing gender justice and transformative reparations.”[[16]](#footnote-16) The Abuelas have become an unstoppable force for peace and justice, despite enormous social and political push-back. They continue to stand up against gender-based violence, including domestic violence, in their community. They also lead an indigenous women’s protection network across three territories of Guatemala, monitoring threats and attacks against indigenous women human rights defenders.[[17]](#footnote-17)

The transformation, however, extends far beyond the Abuelas and their immediate communities, and has not been left to chance. It has also been part of a deliberate strategy: UN Women sought to use a survivor-centered approach to help shift the narrative in Guatemala from victimhood and exclusion, to agency and leadership for the indigenous peoples of Guatemala and Guatemalan women. For example, when it became clear that Guatemala’s Supreme Court would hear the *Sepur Zarco* case, UN Women informed the Court of the international interest in the case and the interest to broadcast the trial publicly. UN Women also discreetly provided arguments for the trial to be held in the Court’s largest and grandest room, as required for the public and solemn nature of the trial necessary to garner national and international attention to spark social transformation. Of course, this attention also aligned with the desire of the Abuelas. Paula Barrios of Mujeres Transformado el Mundo affirmed, “The Grandmothers have always stated that they are taking this path to justice not only for them, but to ensure that other women do not live through what they had to.”[[18]](#footnote-18)

Among the most visible transformative results of the *Sepur Zarco* case, the Abuelas have motivated other survivors of sexual and gender-based violence to seek justice.[[19]](#footnote-19) Emma Molina Theissen was 21 years old when she was detained, tortured and raped by soldiers in 1981, and in an interview acknowledged that she was inspired by the *Sepur Zarco* case to speak out:

Learning about the Sepur Zarco case changed my heart, because they suffered the same thing I did. They suffered for much longer than I did, and they had the courage and the strength to testify in court… I thought, if they could do it, so could I, and that changed me completely.[[20]](#footnote-20)

UN Women has worked to sustain the movement towards justice sparked by the *Sepur Zarco* case by supporting cases like Ms. Molina Thiessen’s, and linking these new cases explicitly to the same feminist cause.[[21]](#footnote-21) The final independent evaluation for the UN Peacebuilding Fund project on reparations described how the project partners had organized meetings between the Abuelas and other survivors of sexual violence, noting that the other survivors “recognized that the encounters they had with the surviving Q’eqchi’ women of Sepur Zarco filled them with strength, courage and desire to continue fighting for justice.”[[22]](#footnote-22)

UN Women is continuing to support the Abuelas to bring their messages to the world. In October 2019, the Special Representative of the Secretary-General on Sexual Violence in Conflict, Pramila Patten, invited Doña Demecia Yat, one of the Abuelas of Sepur Zarco, to speak at the UN during the 10th anniversary commemoration of UN Security Council resolution 1888 (2009) on sexual violence in conflict. At time of writing, UN Women is also working with the War Crimes Research Office at American University to document the survivor-centered approach taken by all who contributed to the *Sepur Zarco* case, so that the experiences and lessons learned by the Abuelas and their supporters can be shared more widely thus continuing the cycle of transformation on a global scale.

## Kosovo (UNSCR 1244)[[23]](#footnote-23)

Sexual violence was systematically employed in the armed conflicts in the former Yugoslavia, including the armed conflict that erupted in Kosovo in February 1998, lasting until June 1999.[[24]](#footnote-24) Nearly a quarter-century after the armed conflict, a culture of shame and silence continues to stigmatize survivors of CRSV. Yet, despite immense social and political constraints, survivors and their allies have begun to turn the tide from impunity to justice.

Since 2016, UN Women has supported a mentoring programme for Kosovo’s national authorities with prosecutors and lawyers with international criminal expertise, boosting the confidence and capacity of national prosecutors and investigators to take on cases of CRSV.[[25]](#footnote-25) In December 2018, the European Union’s rule of law mission, EULEX, completed its mandate and handed 900 case files relating to war crimes over to the local Special Prosecutor of the Republic of Kosovo, having not yet successfully reached a conviction for CRSV.[[26]](#footnote-26) Despite challenges, as of December 2020, the Special Prosecution Office in Kosovo and the Kosovo Police War Crimes Investigation Unit were working on 50 cases of CRSV, an increase from 29 in 2017 and zero in 2016.[[27]](#footnote-27) In an historic step toward accountability, the first indictment for CRSV by the Special Prosecution Office of Kosovo took place in March 2020. In January 2021, a survivor appeared in court for the first time, and in July 2021 a Kosovar court reached its first-ever conviction for CRSV.[[28]](#footnote-28)

UN Women’s technical support to Kosovo’s authorities has also been matched with infrastructural support to ensure that survivors encounter a safe and empowering environment on their path through the criminal justice system. Through UN Women’s work with Kosovo’s victim’s associations, it came to light that one of the most significant obstacles for survivors in the justice system was the lack of private interview space in investigators’ and prosecutors’ offices. Survivors were reluctant to come forward, knowing that their confidentiality could be immediately compromised. In response, UN Women supported the establishment of “friendly interview rooms” within the Special Prosecution Office and the Police War Crimes Investigation Unit for survivors of CRSV and other vulnerable witnesses. These interview rooms have greatly boosted the confidence of survivors of CRSV to share evidence and testimony with the criminal justice system, helping a number of cases to move forward.

UN Women’s support to criminal accountability has been matched with support to Kosovo’s ongoing reparations process. In 2014, the Kosovo Assembly approved a law that gave legal recognition to CRSV survivors as victims of the conflict, and in 2017 a commission, known as the CRSV Commission, was established to verify the identity of survivors of CRSV and provide them reparations.[[29]](#footnote-29) The Commission became operational in 2018, and as of April 2019, more than 1000 survivors[[30]](#footnote-30) are receiving a lifetime monthly pension of €230 in recognition of the harm they suffered.[[31]](#footnote-31) Although still falling far short of what is necessary to provide survivors with comprehensive redress, this administrative reparations programme sets Kosovo apart in a world where reparations for sexual violence crimes are exceedingly rare.[[32]](#footnote-32) The advances toward justice for survivors of CRSV are the result of decades of feminist activism from Kosovo’s strong women’s movement, including women-led victim’s associations that provide direct services to survivors, and the Kosovo Women’s Network, which has long held accountability for sexual violence as a key demand.[[33]](#footnote-33)

Following the adoption in Kosovo of the law recognizing the legal status of CRSV survivors and their entitlement to reparations in 2014, UN Women and the Office of the President organized consultations with survivors from October 2015 to January 2016.[[34]](#footnote-34) Throughout the consultations, UN Women and the Office of the President sought to enable a safe and empowering space for survivors to express their concerns and priorities around the establishment of the CRSV Commission. The two-day workshops were thoughtfully designed to include art therapy, stress management and body therapy sessions interspersed with sessions focused on documenting their needs and voices, thereby ensuring that survivors could lead in the reparations design process while also receiving self-care support.[[35]](#footnote-35) During focus group sessions, survivors expressed dismay that their participation in justice processes to-date had been relegated to retelling their past experiences, and called for meaningful inclusion in the reparations process, going forward.[[36]](#footnote-36) UN Women’s report, *The Conflict Did Not Bring Us Flowers: The Need for Comprehensive Reparations for Survivors of Conflict-Related Sexual Violence in Kosovo*, centered the voices of survivors in the reparations process, and the recommendations contained therein ultimately became the framework for establishing the Commission.

During UN Women’s initial research and consultation on reparations in 2015 and 2016, survivors consistently stated that that they had few economic opportunities, but that they wished to work and earn money.[[37]](#footnote-37) Understanding that it could take years for the reparations process to become operational and begin to address survivors’ economic needs, UN Women saw the need for a project focused on economic empowerment that could build survivors’ trust and confidence that the reparations process would also move forward, and demonstrate that the international community cared about their demands for justice. While development and reparations are two distinct rights, development programmes can be beneficial for delivering sustainable and transformative reparations.[[38]](#footnote-38) The Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence recommends that “development cooperation should support States’ obligation to ensure access to reparations.”[[39]](#footnote-39)

## Nepal[[40]](#footnote-40)

The decade-long civil war in Nepal between the Royalist government forces and the Maoist People’s Liberation Army ended in 2006 with the overthrow of the monarchy and the establishment of a republic. One of the stated aims of the Maoist uprising was the eradication of various gender-, caste-, class- and ethnicity-based forms of discrimination and marginalization of the old system. However, neither the formulation of a new, progressive constitution nor the setting up of a new federal structure have been able to effectively tackle these yet, despite some gains. The transitional justice process, which was meant to bring justice to the victims of the civil war, has been progressing extremely slowly, in part due to post-war elites having little interest in revisiting the crimes of the past. Progress on justice and recognition for CRSV survivors has been especially slow. At times, the existence of CRSV during the conflict has been denied or belittled, or the validity of the data on it questioned.

UN Women has been supporting national-level transitional justice processes to improve gender-sensitivity and have sexual violence be taken seriously as an issue. Activities supported by UN Women in Nepal included awareness-raising among the general population (e.g. through theatre and art exhibitions), political advocacy, as well as vocational skills training for survivors and their families.

One of the innovations of the UN Women programming in Nepal was to support the “My Voice My Strength” project. Through this project, the Nepali NGO The Story Kitchen worked with women survivors of SGBV providing them and their families with computer skills training. The purpose of the training was to enable the participants to develop an advocacy campaign for gender-sensitive transitional justice. Many of the participants had never used a computer before, meaning that very basic computer skills had to be taught before teaching them to use a software. As a result of the training, participants were able turn their own stories of suffering and resilience into short digitally animated movie clips. In addition to the economic support and skills training given to the survivors and their families and the opportunity to tell their story through the animations they produced, the project also enabled women of different backgrounds and from different regions to come together, build trust and confidence between each other and thus contribute to healing processes.

The animation clips that were produced in the project were used for public awareness raising as well as for policy advocacy. In terms of the latter, the videos were part of a dialogue on memorialization and non-judicial reparations in Kathmandu which brought together survivors, representatives of UN entities and the European Union, state representatives and others who are working in transitional justice and CRSV in Nepal. The project was able to have a major impact on the national level in terms of convincing the Government of Nepal to take CRSV seriously and to address its long-term impacts. Gender-sensitive transitional justice and addressing CRSV will now also be written into the new Nepali National Action Plan (NAP II) on implementing UN Security Council resolutions 1325 and 1820.

The videos produced by the women as part of the My Voice My Story project can be viewed here: <https://breakingsilenceendingimpunity.org/our-stories/>

UN Women produced a short film about one of the beneficiaries of the My Voice My Story project, which can be accessed here: <https://www.youtube.com/watch?v=WJ6KpV8LzpM>

## The Philippines[[41]](#footnote-41)

The Philippines has been beset by decades of armed violence, including the insurgency of the New People’s Army dating back to 1969; armed insurgencies in the majority-Muslim Mindanao/Bangsamoro area by the Moro National Liberation Front (MNLF) and later the Moro Islamic Liberation Front (MILF) and smaller Islamist groups such as Abu Sayyaf and the Maute group; as well as clan-based, electoral, state-perpetrated and crime-related armed violence. In the Philippines, UN Women has supported the Transitional Justice and Reconciliation Commission (TJRC), one of the bodies created under the Annex on Normalization of the Comprehensive Agreement on the Bangsamoro (CAB), the agreement between the Philippine Government and the MILF.

Since 2015, UN Women had been implementing national- and local-level projects aimed at promoting the leadership and the active inclusion of women in transitional justice, particularly in the Bangsamoro region, including supporting the work of the TJRC. UN Women supported the deployment of a senior gender adviser to provide technical assistance to the commission on gender issues and integrating these recommendations for the final report that was handed over to the Philippine Government and the MILF in 2016.

The report of the TJRC became the basis of UN Women’s work with women leaders in the Bangsamoro and national government agencies with related mandates on transitional justice. By the end of 2017, UN Women had worked with 153 Bangsamoro women leaders and 31 national government agencies to better understand the Bangsamoro history, the ‘Dealing with the Past’ Framework, and the TJRC Report, with focus on the gender issues and recommendations. The Bangsamoro women who had been trained called for the immediate establishment of a transitional justice mechanism in the Bangsamoro, the leadership and participation of women in this mechanism and the implementation of the TJRC recommendations.

A completely new element, though closely related to the broader conflict dynamics in the region, emerged when Islamic State-affiliated members of the Maute and Abu Sayyaf groups overran the southern city of Marawi in May 2017, leading to a five-month battle between the Islamist militants and the Philippines security forces to re-take the city. In the aftermath of the Marawi siege, UN Women sent a research team to the affected area to conduct interviews employing the ‘listening process’ methodology used by the TJRC in the development of its report towards gathering perspectives and experiences of women survivors of the Marawi siege. The results of the listening process became the basis for engaging with various transitional justice experts through workshops and advocacy to explore the role of transitional justice in the context of violent extremism, a hitherto mostly un- or under-researched field of transitional justice. As with other work across UN Women’s programming on transitional justice, the approach used was one that sought to look at gender comprehensively and intersectionally.

Bringing transitional justice into the realm of preventing and countering violent extremism (P/CVE) comes with particular challenges and risks. These include heightened security risks for respondents and intended beneficiaries, ‘do no harm’ principles and seeking to ensure ‘non-recurrence.’ These are not just due to the nature of violent extremist groups but also the often extremely securitised and militarised nature of many state approaches to P/CVE, which often take a simplistic and instrumental view of gender, and thus risks re-inserting victims/survivors into the very literal firing line.[[42]](#footnote-42) On the other hand, the approach also opens possibilities for transforming P/CVE agendas, of using state interest in the issue to push for redressing gendered harms that would otherwise go un-addressed and, importantly, the findings also open potential avenues for using gender-sensitive indicators for early warning purposes for violent conflict more broadly but also violent extremism in particular.

1. This section of the submission is based on the UN Women publication: Henri Myrttinen and Nicola Popovic, *We Were Like Caged Birds, This Gave Us Wings to Fly:* *A review of UN Women Programming on Gender-Sensitive Transitional Justice,* (UN Women: 2019), <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/a-review-of-un-women-programming-on-gender-sensitive-transitional-justice-en.pdf?la=en&vs=5205>. [↑](#footnote-ref-1)
2. Roxanni Krystalli and Kimberly Theidon (2016), Here’s how attention to gender affected Colombia’s peace process. The Washington Post, October 9, 2016, Accessed at <https://www.washingtonpost.com/news/monkey-cage/wp/2016/10/09/heres-how-attention-to-gender-affected-colombias-peace-process/?utm_term=.592c98a6f57e> [↑](#footnote-ref-2)
3. Website Section on Colombia by the Office of the Special Representative of the Secretary General for Sexual Violence in Armed Conflict: <https://www.un.org/sexualviolenceinconflict/countries/colombia/> [↑](#footnote-ref-3)
4. United Nations. Report of the Secretary General on Conflict-Related Sexual Violence. s/2017/249 New York: 2017 <http://www.un.org/en/events/elimination-of-sexual-violence-in-conflict/pdf/1494280398.pdf> [↑](#footnote-ref-4)
5. See <http://colombia.unwomen.org/es/biblioteca/publicaciones/2018/01/recomendacionesinclusionenfoquegenerocomisionverdad> [↑](#footnote-ref-5)
6. This section of the submission is based on a forthcoming chapter in a Routledge Handbook on Survivor-Centered Justice by Emily Kenney and Rozafa Kelmendi, “UN Women: Advancing Survivor-Centered Approaches.” [↑](#footnote-ref-6)
7. Jo-Marie Burt, “Military Officers Convicted in Landmark Sepur Zarco Sexual Violence Case,” *International Justice Monitor*, 4 March 2016, <https://www.ijmonitor.org/2016/03/military-officers-convicted-in-landmark-sepur-zarco-sexual-violence-case/>. [↑](#footnote-ref-7)
8. [*Changing the Face of Justice: Keys to the Strategic Litigation of the Sepur Zarco Case*](https://cad5e396-f48c-4e90-80f5-27ccad29f65e.filesusr.com/ugd/f3f989_ecf455f92a8d4b2bab87fe44093c2daa.pdf) (Guatemala: Impunity Watch and the Alliance to Break the Silence and Impunity, 2017), 4. [↑](#footnote-ref-8)
9. The UN partners on the UN Peacebuilding Fund projects were the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the United Nations Office of the High Commissioner for Human Rights (OHCHR) and the Food and Agriculture Organization of the United Nations (FAO). The United Nations World Food Programme (WFP) also received funding indirectly as an implementing partner to UN Women for one project. [*Thematic Review: PBF-Supported Projects on Transitional Justice*](https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/thematic_review.pdf) (New York: Secretary-General’s Peacebuilding Fund, 2020). [↑](#footnote-ref-9)
10. The 2017-2020 UN Peacebuilding Fund project was implemented with OHCHR, FAO, WPF and eight civil society organizations: Alianza Rompiendo el Silencio y la Impunidad, compuesta por la Colectiva Jalok U’; Estudios Comunitarios y Apoyo Psicosocial (ECAP); Unión Nacional de Mujeres Guatemaltecas (UNAMG); Mujeres Transformando el Mundo (MTM); Organización de Mujeres Retornadas Mamá Maquín; Red Centroamericana de Mujeres Rurales, Indígenas y Campesinas (RECMURIC); Action Aid; Asociación para el Desarrollo Rural Integral (ADRI); and Fundación Guillermo Toriello (FGT). [↑](#footnote-ref-10)
11. [*Workshop Report: Strategic Litigation for Sexual and Gender-Based Violence: Lessons Learned*](https://www.ohchr.org/Documents/Issues/Women/WRGS/OHCHR-StrategicLitigationforSV-workshopreport-web.pdf) (Geneva: Office of the High Commissioner for Human Rights, 2019), 14. [↑](#footnote-ref-11)
12. UN Women, [*Sepur Zarco Case: The Guatemalan Women Who Rose for Justice in a War-Torn Nation*](https://www.unwomen.org/en/news/stories/2018/10/feature-sepur-zarco-case), 19 October 2018, <https://www.unwomen.org/en/news/stories/2018/10/feature-sepur-zarco-case>. [↑](#footnote-ref-12)
13. Ibid. [↑](#footnote-ref-13)
14. Doña Demecia Yat served as co-president of the project steering committee, with UN Women Country Representative Adriana Quinoñes. [↑](#footnote-ref-14)
15. At the time of publication, the final independent evaluation had not yet been made public. Other documentation relating to this project is available at Multi-Partner Trust Fund Office Gateway, *PBF/IRF-194: Realizing the thansformational effect of the Sepur Zarco reparation sentence to break the continuum of conflict and post-conflict related sexual and other forms of violence against women,* <https://mptf.undp.org/factsheet/project/00108092>. [↑](#footnote-ref-15)
16. At the time of writing, the final independent evaluation had not yet been made public. Other documentation relating to this project is available at Multi-Partner Trust Fund Office Gateway, *PBF/IRF-194: Realizing the transformational effect of the Sepur Zarco reparation sentence to break the continuum of conflict and post-conflict related sexual and other forms of violence against women,* <https://mptf.undp.org/factsheet/project/00108092>. [↑](#footnote-ref-16)
17. *PBF/IRF-194* *Semi-Annual Project Progress Report: June2020*, (United Nations Peacebuilding Fund: 2020), p. 9, available at <https://mptf.undp.org/factsheet/project/00108092>. [↑](#footnote-ref-17)
18. UN Women, “[Sepur Zarco Case: The Guatemalan Women Who Rose for Justice in a War-Torn Nation](https://www.unwomen.org/en/news/stories/2018/10/feature-sepur-zarco-case),” 19 October 2018, <https://www.unwomen.org/en/news/stories/2018/10/feature-sepur-zarco-case>. [↑](#footnote-ref-18)
19. *Report of the Working Group on Transitional Justice and SDG16+: On Solid Ground,* 14. [↑](#footnote-ref-19)
20. Burt, “Gender Justice in Post-Conflict Guatemala: The Sepur Zarco Sexual Slavery and Sexual Violence Trial,”,”95. [↑](#footnote-ref-20)
21. UN Women, *Final Evaluation of Project 00108092- PBF/IRF194*, 23 November 2020, 52 (see fn. 81). [↑](#footnote-ref-21)
22. Ibid. [↑](#footnote-ref-22)
23. This section of the submission is based on a forthcoming chapter in a Routledge Handbook on Survivor-Centered Justice by Emily Kenney and Rozafa Kelmendi, “UN Women: Advancing Survivor-Centered Approaches.” [↑](#footnote-ref-23)
24. Natasha Lamoreux, Conference Report: Reparations for Conflict-Related Sexual Violence: Lessons from the Western Balkans (Jahorina-Sarajevo, Bosnia and Herzegovina: UN Women, 2016), 6. [↑](#footnote-ref-24)
25. This work was undertaken in partnership with Partners in Justice International and Justice Rapid Response. [↑](#footnote-ref-25)
26. For more information on the shortcomings of UNMIK and EULEX, see *“Wounds that Burn our Souls”: Compensation for Kosovo’s Wartime Rape Survivors, but Still No Justice*. [↑](#footnote-ref-26)
27. These figures are according to UN Women records. [↑](#footnote-ref-27)
28. *Report of the Secretary-General on Women and Peace and Security* (Security Council document S/2021/827), 27 September 2021, para. 66. [↑](#footnote-ref-28)
29. UN Women, *In Kosovo, legal recognition of war-time sexual violence survivors after 18 years,* 19 October 2017, <https://www.unwomen.org/en/news/stories/2017/10/feature-kosovo-legal-recognition-of-war-time-sexual-violence-survivors>. [↑](#footnote-ref-29)
30. This figure is according to UN Women records. [↑](#footnote-ref-30)
31. War veterans in Kosovo are also eligible for a monthly pension of €230. [↑](#footnote-ref-31)
32. “[R]epurations remain the justice intervention that survivors seek the most but receive the least.” *Report of the Secretary-General on Conflict-Related Sexual Violence* (Security Council document S/2020/487), 3 June 2020, para. 13. [↑](#footnote-ref-32)
33. See, e.g., Kosova Women’s Network, “Forget Flowers: Women Call for Justice for War-Raped Women,” 3 March 2012, [https://womensnetwork.org/forget-flowers-women-call-for-justice-for-war-raped-women-on-8-march-mar-03-2012](https://womensnetwork.org/forget-flowers-women-call-for-justice-for-war-raped-women-on-8-march-mar-03-2012/)/. [↑](#footnote-ref-33)
34. Approximately 70 survivors participated in consultations. Siobhan Hobbs, *The Conflict Did Not Bring us Flowers: The Need for Comprehensive Reparations for Survivors of Conflict-Related Sexual Violence in Kosovo* (Pristina, Kosovo: UN Women, 2019), 13-14. [↑](#footnote-ref-34)
35. Hobbs, *The Conflict Did Not Bring Us Flowers: The Need for Comprehensive Reparations for Survivors of Conflict-Related Sexual Violence in Kosovo, 14.* [↑](#footnote-ref-35)
36. Hobbs, *The Conflict Did Not Bring us Flowers: The Need for Comprehensive Reparations for Survivors of Conflict-Related Sexual Violence in Kosovo,* 37. [↑](#footnote-ref-36)
37. Siobhan Hobbs, *Bees of Change: The Exponential Impact of Micro-Grants for Survivors of Conflict-Related Sexual Violence in Kosovo* (Pristina, Kosovo: UN Women, 2018), 8. [↑](#footnote-ref-37)
38. *Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence* (New York: United Nations, 2014), 9. [↑](#footnote-ref-38)
39. *Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence*, 9-10. [↑](#footnote-ref-39)
40. This section of the submission is based on the UN Women publication: Henri Myrttinen and Nicola Popovic, *We Were Like Caged Birds, This Gave Us Wings to Fly:* *A review of UN Women Programming on Gender-Sensitive Transitional Justice,* (UN Women: 2019), <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/a-review-of-un-women-programming-on-gender-sensitive-transitional-justice-en.pdf?la=en&vs=5205>. [↑](#footnote-ref-40)
41. This section of the submission is based on the UN Women publication: Henri Myrttinen and Nicola Popovic, *We Were Like Caged Birds, This Gave Us Wings to Fly:* *A review of UN Women Programming on Gender-Sensitive Transitional Justice,* (UN Women: 2019), <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/a-review-of-un-women-programming-on-gender-sensitive-transitional-justice-en.pdf?la=en&vs=5205>. [↑](#footnote-ref-41)
42. See for example Satterthwaite, Margaret and Jayne Huckerby (eds.) (2013). Gender, National Security, and

    Counter-Terrorism — Human rights perspectives. New York: Routledge. [↑](#footnote-ref-42)