

Understanding the Varying Levels of Effectiveness in Addressing Conflict-Related Sexual Violence: A Comparative Analysis of Truth Commissions

Abstract

Recognizing gender-based violence in truth commissions plays a significant role in confronting the injustices of the past. This research explores the puzzle of why some truth commissions more effectively address conflict-related sexual violence than others. The research draws insights by comparing the cases of Colombia and Sierra Leone, where strides have been made in ensuring the documentation of women's experiences, and contrasting them with less successful examples from Guatemala and South Africa.

Introduction

- Truth Commissions (TCs) are transitional justice mechanisms that investigate, document, and report on past human rights abuses and violations. They help societies come to terms with their pasts and move towards healing and accountability.
- Gender-sensitive TCs pave a path for documenting, addressing, and therefore responding to gender-based violence, particularly conflict-related sexual violence (CRSV).
- CRSV is within the broader term of gender-based violence. CRSV is perpetrated against women and is directly or indirectly linked to a conflict.
- Existing literature on documenting and addressing CRSV in TCs generally provides valuable insights into gender-sensitive approaches in TCs and strategies that enhance accountability. However, there remains a significant gap in understanding why some TCs are more successful than others in effectively addressing CRSV. This study seeks to contribute to filling the gap by examining the cases of Colombia, Sierra Leone, Guatemala, and South Africa to unravel the underlying factors contributing to truth commissions' effectiveness in addressing CRSV.

Methodology:

- Comparison studies
- Document Analysis: Reports produced by the TCs
- Literature Review

Case Selection:

- Significant periods of conflict and violence, particularly sexual violence
- Demonstrates variations addressing CRSV in TCs

Case Studies

Colombia

- Colombia's mandate requires the TC to conduct investigations into sexual violence through various gendered perspectives and the inclusion of working groups.
- In Colombia's TC, women's civil society mobilized conflicting parties to include significant gender-inclusive methods within the peace agreement.

Guatemala

- The Guatemalan Commission for Historical Classification, or CEH, lacked legal powers, preventing it from naming perpetrators and holding public hearings.
- The mandate was broadly defined to clarify acts of violence related to conflict. Sexual violence was not mainstreamed in the report, and inclusion and participation of women in the TC was limited.

South Africa

- The South African Commission is one of the first to address gender issues. However, "The definition of gross violations of human rights adopted by the Commission resulted in blindness to the types of abuse predominantly experienced by women" (Honda 2019).
- Less than half of the testimonies provided by women (49.5%) show that they spoke of themselves as victims of gross human rights violations.

Sierra Leone

- The mandate required Sierra Leone's Truth and Reconciliation Commission (SLTRC) to pay special attention to sexual abuse. The SLTRC interpreted it to include all aspects of gendered experiences such as legal, political, and social welfare. The mandate also specified the importance of gendered representation in selecting the commissioners.
- Gender sensitization strategies such as consultations with women's groups and gender experts, were included in each phase of the truth-seeking process.

Preliminary Findings

- Contextual factors: Factors such as the presence of women's civil society, legal powers, interpretation of the mandate, and international support affect the levels of effective documentation of CRSV.
- Institutional design: Truth commissions that are specifically mandated to investigate gender issues and sexual violence are crucial for comprehensive documentation of CRSV.
- Gender Sensitization Strategies: Integrating gender sensitization strategies throughout the truth-seeking processes, including consultations with women's groups and experts, enhances the effectiveness of TCs as it includes various perspectives.



What does this mean? (Analysis and Implications)

- The four TCs address CRSV to varying extents. They are influenced by various factors, thereby making some more successful than others.
- Mandates that explicitly require attention to addressing sexual abuse, like that of the SLTRC, ensure a comprehensive investigation of gendered experiences, contrasting with the shortcomings of Guatemala's CEH.
- The incorporation of gender sensitization strategies, as seen in Colombia's and Sierra Leone's TCs, ensures the meaningful inclusion of gendered perspectives and experiences.
- Considering these factors before establishing TCs can significantly impact their effectiveness in documenting and addressing CRSV.

Future Directions

- Conduct further comparative analysis of the four TCs.
- Delve deeper into understanding the factors that impact TCs' effectiveness in addressing CRSV.
- Compose a research paper on the gathered information.

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