



**United Nations Security Council Debate
SC Resolution 1325 “Women, Peace and Security”
“Arria Formula” Meeting, October 21, 2004**
Statement of the International Center for Transitional Justice
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The International Center for Transitional Justice warmly welcomes the report of the Secretary-General on women and peace and security. We also recently had the opportunity to welcome before the Security Council the Secretary-General’s recent report on the rule of law and transitional justice in conflict and post-conflict societies, which is quoted in the present report as recommending “that the differential impact of conflict and rule of law deficits on women and children be recognized and that all initiatives ensure gender sensitivity in restoration of rule of law and transitional justice, as well as the full participation of women.”

The report goes on to refer to both judicial and non-judicial transitional justice processes. We strongly support its emphasis on the importance of implementing practical measures to end impunity and bringing perpetrators of violence against women to justice through international tribunals, mixed tribunals, and national courts. The report also draws attention to truth and reconciliation commissions when it says that while it is recognized that they facilitate the healing process in post-conflict societies, “the involvement of women in these processes, and the degree to which the processes address the needs and concerns of women, is not well known.”

In supporting the report’s related recommendations, I should like to draw the attention of members of the Council to some of the ICTJ’s preliminary findings from our work on gender and transitional justice.

Women systematically suffer the brunt of human rights violations in many contexts addressed by transitional justice institutions, yet these institutions have not adequately addressed women’s experience of political violence. The conceptualization and design of most transitional justice mechanisms have not sufficiently taken into account the gender character of human rights abuse.

First, there is often in-built bias in the categories of human rights violations that are given priority. Most transitional justice initiatives have focused on killings, disappearances, abductions, arbitrary detention, and custodial torture. These are, of course, among the gravest of violations, with women among their victims, yet the initiatives dealing with these violations do not fully address the principal dimensions of women’s experience of human rights violations in many contexts. For example, it may be critical that truth

commissions and reparations programs explicitly address the disproportionate suffering of women due to internal displacement or the loss of breadwinners.

Second, there is often in-built bias in how the impact of political violence is understood. Where widespread political violence is occurring, there is often heightened incidence of rape and sexual abuse in domestic or apparently 'non-political' settings. These are scars of political conflict that leave their imprint on society at large; however, because these abuses are conventionally classified as 'private' and not 'political', they are often excluded from attention. To ensure that violence against women is comprehensively addressed, it may be necessary to respond to broader patterns of sexual violence, as well as to pursue the specific incidents of rape and other abuse.

Third, there is often in-built bias in the methodologies of human rights investigation and redress that are adopted. The focus on individual victims and perpetrators is critical to ensuring that important aspects of justice and due process are achieved for both, but relying exclusively on such an approach cannot reveal the structural and systematic character of gender-based violations. Rape is a horrendous act, but the human rights injury is not limited to the act alone; it is compounded by the social stigma that attaches to the victims of rape, and by the economic burden involved in carrying the forced pregnancies and single parenting that may result. Sexual violence is embedded in social attitudes and policy frameworks that need to be addressed by the reforms emerging from transitional justice processes.

Fourth and last, there is often in-built bias in the understanding of gender. Even when transitional justice mechanisms have sought to focus on gender-related issues, they have focused on sexual violence. This is indeed critical to address, but does not reflect the multi-dimensional ways in which women experience abuse. Reducing the violations of women's human rights to sexual abuse can reproduce prejudices that reduce women to sexual beings alone. We need to recognize and respond to the fact that women are also affected as political, economic or military actors, and to expand our focus to include the gender dimension of other human abuses.

The ICTJ is at the early stages of seeking to develop, with partners, its analysis and recommendations on these issues. We welcome the Secretary-General's intention to review the extent to which women have participated and their concerns have been met in truth and reconciliation processes, and to make recommendations to guide the development of future processes. We also welcome his call for a shared commitment to ensure that international and national courts have adequate resources, access to gender expertise, gender training for all staff and gender-sensitive programs for victim and witness protection, in order to more effectively prosecute those responsible for serious crimes.

I will conclude therefore by adding to these important commitments some of the recommendations the ICTJ has been advancing:

- a significant number of staff members of courts, commissions and other transitional justice mechanisms should be women;
- prosecutors and investigators should undertake proactive efforts to pursue crimes that most affect women;
- courts and truth commissions should develop flexible approaches to issues of evidence and due process in addressing testimony for rape and other crimes against women;
- truth commissions should consider holding focused hearings on gender-based patterns of human rights abuse;
- reparation initiatives should avoid replicating gender-biased patterns of property ownership and citizenship when providing restitution for loss;
- recommendations for institutional reform should take into account the full range of gender injustices of past regimes in determining priorities for action.