



EuroMed Feminist Initiative
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اللوبي النسوي السوري
Syrian Feminist Lobby

Gender-Sensitive Transitional Justice Process in Syria

Report International Conference

20 - 21 February 2019



SWEDEN

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Introduction

The United Nations define transitional justice as the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, to ensure accountability, serve justice and achieve reconciliation. These processes encompass a series of mechanisms and means to understand and address the crimes and human rights violations of the past by exposing the facts, holding the perpetrators accountable, and granting victims reparation and rehabilitation. The United Nations Security Council has acknowledged the necessity to include women in the peacebuilding and reconstruction processes in UNSCR 1325 (2000) and its subsequent resolutions on Women, Peace, and Security, including UNSCR 2122 (2013). Their participation is also envisaged in the design, implementation, and evaluation of the processes of transitional justice. Still, this seldom translates into effective implementation and transitional justice often fails to adopt a gender-sensitive approach. This failure is due to lack of political will and/or technical knowledge on how to implement measures that promote women's participation and appropriately address the gendered nature of human rights violations. Women in armed conflicts are still stereotyped, their narratives undermined and marginalized, and the crimes perpetrated against them considered as collateral damage.

Recent literature has further underlined the limitations of a narrow understanding and application of transitional justice and has called for the adoption of a transformative approach¹. Such an approach would broaden the scope beyond the provision of remedies for violations through truth commissions, amnesties, and prosecutions, to address structural violence which produces and reproduces rights violations in times of conflict and peace.

Though its theoretical framework is not solidly built yet, we will use the concept of "gender-sensitive transformative transitional justice" throughout this report as a comprehensive tool to dismantle the structure of oppression towards equality, justice, sustainable peace, and guarantees of non-recurrence for both women and men. This requires strong political will to set human rights commitments as a high priority, ensure the meaningful participation of women and guarantee the

respect and implementation of their human rights. Only then can the interconnected chains of political, economic, social, and legal violence be broken.

Gender-sensitive transformative transitional justice is a necessary process towards a just and sustainable peace in Syria and a transition from a totalitarian to a democratic regime which respects the human rights of both women and men. Syrian women, who have constantly struggled against social and institutional patriarchal culture, have intensively engaged in multiple forms of resistance during the last years. They have experienced the different forms of violence practiced by the regime against the individuals and communities who have taken part in the revolution. These include political violence (arrest, torture, enforced disappearance, and murder) and mass crimes and their consequences (targeting civilians with prohibited weapons, displacement and forced migration). Women and girls have also suffered from discrimination, restricted freedom of movement, sexual gender-based violence and arbitrary executions perpetrated by armed opposition groups.

Despite the fact that a multitude of special mechanisms have been established for Syria, such as the Independent International Commission of Inquiry on the Syrian Arab Republic (COI), the Joint Investigative Mechanism (JIM), and the International, Impartial and Independent Mechanism (IIIM), gender-sensitive transitional justice has been absent from the peace talks. Consequently, the right to truth, justice, compensation/reparation, and guarantees of non-recurrence, as well as bringing the perpetrators to justice, are all but achieved.

A process of gender-sensitive transformative transitional justice in Syria would demand a holistic approach and the joint efforts of all the actors who are engaged for a just, inclusive, and sustainable peace. Such a process would require understanding and addressing complex parameters that structure the Syrian political, economic, and legal system:

1. The root causes of the political, economic, social, and legal oppression, as well as the systemic state of impunity.
2. The laws that protect and grant immunity to criminals and perpetrators of human rights violations, such as the Military Penal Code (issued by decree 61 dated 1950), the Legislative Decree 14 creating the State Security Department dated 1969, and the Legislative Decree 69 dated 2008 which was issued by the president to amend the Military Penal Code.

3. The structure of the army and security services, as the latter have infiltrated society and institutions.
4. The gender power structures that have sustained and reproduced gender inequalities in Syria and that led to an escalation of violence against women and girls during the military conflict. These structures include discriminatory legislation as well as exclusion from meaningful participation in the social, economic, and political spheres.
5. The transformative role played by Syrian women, as they have acquired unaccustomed economic and social leadership during the military conflict.
6. The deliberate use of conflict related sexual violence (CRSV) by all parties and the significant physical and psychological harm it has caused survivors and their communities. Many challenges prevent CRSV cases from being properly addressed and documented, including underreporting due to stigmatization and intimidation of survivors.
7. The developmental gap between Syrian cities and areas. This gap, which existed before 2011, has since increased due to the policy of persecution and collective punishment committed by the State against individuals and communities who have stood up against the regime.

The conference organized by the Syrian Feminist Lobby and the EuroMed Feminist Initiative on the 20th and the 21st of February 2019 in Paris aimed to underline the importance of applying a feminist perspective to transformative transitional justice. It attempted to create an interactive space and a sound knowledge base among experts in transitional justice, legal professionals, and human rights defenders.

The present report summarizes the themes tackled during the conference and presents its main outcomes. The first section emphasizes the importance of a gender-sensitive transitional justice process for Syria and assesses the challenges standing in the way of Syrian organizations working in the field. The second section discusses the role of the international inquiry mechanisms for Syria and sums up the obstacles preventing them from fully achieving their aim. The following sections delve into the details of the four main transitional justice components: truth-seeking, reform and guarantees of non-recurrence, reparation, and justice. These sections draw on experiences and lessons learned from other countries. The last section analyzes the role of the international

community and lists the main observations of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. In lieu of a conclusion, the report provides a series of recommendations to the main actors involved in the transitional justice process for Syria.

The conference agenda can be found in annex.

I-Preparing for Gender-Sensitive Transitional Justice in Syria: Stakes and Challenges

The political, legal, economic, and social oppression and violence against women that exist in time of peace lead to increasing sexual and gender-based violence in times of conflict. Patriarchal social customs and norms often tolerate and even encourage gender violence. They contribute to the whole cycle of violence, crimes, and violations against women, and will sustain it even after the conflict has ended if the transitional justice process is neither transformative nor gender sensitive. Transformative transitional justice contributes to achieving gender equality and balancing the power structures thus addressing a root cause of violence against women.

Although sexual and gender-based violence impacts both women and men during conflict and is used as a political and military tool to humiliate the enemy (whether they are a community, family, or individual), most victims are women and girls who are exploited sexually, militarily, and economically. The impact of these crimes and violations extends over generations. Additionally, the impact of violence is amplified when it is coupled with other crimes and violations, and when other factors such as class, geographic location, ethnicity, political position and activity, economy, religion, sexual identity, and sexual orientation are added.

Gender-sensitive transformative transitional justice is a tool for change and an opportunity to rectify the power structures that have historically been built on women subordination and exclusion. It also contributes to reinforcing the right of women to live free of any violence perpetrated against them before, during, and after wars and/or conflicts.

The Syrian human rights organizations working on documenting crimes and violations perpetrated since 2011 hope that their work will be used in transitional justice processes and programmes in the future. Yet, some of these organizations² suffer from gender gaps themselves:³ There is a gap in documenting interlinked and complex violence against women and girls, including political, social, sexual, legal, and economic violence which have been negatively impacting women and their entourage, and will also affect subsequent generations. Also some organizations tend to focus on sexual violence against women in detention centers. Although it is an important issue, it cannot be documented independently from the other forms of violence that these women have been subjected to, as it would lead to overlooking political, social, economic, and legal violence.

There is a lack of women representation in decision-making positions. Even when we find women in these positions, their participation is symbolic and only limited to membership in delegations advocating with the international community. They are instrumentalized in order to show that the delegation is diverse and inclusive, or merely to cater to the international community's continuous pressure to include women.

The participation of feminist and women's rights organizations in the consortium of organizations working on transitional justice is still weak. Additionally there is a lack of cooperation and coordination between human rights, feminist, and women's

Awaiting the launching of the transitional justice process in Syria, much needs to be done in terms of raising awareness on the importance of transitional justice and the roles to be entrusted to all social groups to ensure proper implementation. This should be spearheaded by national secular groups, civil society organizations, and feminist organizations to achieve the aspiration of building a democratic state of citizenship and the rule of law.

Fadwa Mahmoud - Founding member, Families for Freedom, Syria

rights organizations to integrate the gender impact of crimes in the reports and to provide gender training to their staff.

Finally there is a lack of focus on the importance of a gender-sensitive perspective in fact sheets, reports, and activities, in addition to the absence of women's rights defenders from the reform process of the security sector. All publications adopt a male perspective and many aspects are not emphasized when documenting sexual and gender-based violence.

Aspects that are overlooked by the ongoing initiatives to document sexual and gender-based violence in Syria:

1. After their release, former detainees experience difficulties returning to their normal lives, accepting themselves, and coping with motherhood after their estrangement during their detention.
2. Some of the women detained within a month or two of giving birth suffered from sore breasts, forced weaning, and post-partum depression. These women still suffer from post-traumatic shock.
3. Some of the women taken hostages because of their husbands' involvement in military or civic action have experienced worsening marital relations after their release. They blame their husbands for being the reason behind their arrest and subsequent suffering. They cannot seek revenge from the regime that had them arrested, and they cannot reach justice.
4. Young girl detainees who have reached puberty during detention⁴ away from their mothers and women relatives and did not know anything about periods since the Syrian school curricula do not cover reproductive and sexual health have reported traumatic experiences.

Transformative transitional justice cannot be applied in Syria without real political transformation – the essential pathway towards lasting, durable, and sustainable peace. Gender equality cannot be achieved without the dismantling of deep structures of oppression, the accountability of war criminals, and the building of the State of Law. Similarly, gender equality cannot be achieved without democracy, and democracy cannot exist in the absence of human rights commitments, for they are the two main integrated pillars of democratic states.

Lama Kannout, Researcher and SFL Executive Director, Syria

5. Detained women who are menopausal⁵ did not have access to treatment to manage menopause-related health needs and risks.

6. The suffering of the family members of the forced disappeared upon receiving information from the Syrian regime of the deaths of their loved ones is not taken into account.⁶

7. The social violence facing women who divorce their husbands after their arrest is always neglected. These women were shunned by their communities and were stigmatized as being ruthless and leaving their husbands in time of need.

8. The impact of displacement and forced migration on women and girls is not documented.

9. No surveys of the real estates that have been partially or totally destroyed are being conducted, noting that their ownership is transferred to women after the death or disappearance of their male owners during the military conflict.⁷

The inclusion of women in peace negotiations is necessary. Their presence is a guarantor of the durability of peace. They are the ones capable of setting the needs of a society to achieve justice. Women should be the compass, or else peace will be a simple revolution lying in the ashes.

Seema Nassar, CEO and Co-Founder, Urnammu for Justice and Human Rights, Syria

The challenges facing documentation of the gender impact of crimes and violations:

- Sexual and gender-based violence crimes perpetrated by the militias of security apparatuses outside prisons and detention centers and during the invasion of villages and towns have not been sufficiently documented.
- The crimes perpetrated by the Syrian Regime during the first few years of the military conflict in the provinces of Damascus and Hama have not been documented professionally. The crimes included kidnapping, repeated rape, and sexual slavery. In some cases, documentation was taken under pseudonyms rather than real names, and many of the testimonies were lost due to the displacement of the survivors/victims and the HR activists to unknown locations.
- Lack of staff and personnel to monitor the impacts of crimes and violations from a gender perspective and work on setting a legal framework for it.
- Lack of staff and personnel trained to speak and listen to women's experiences, and lack of resources provided to the field workers due to difficult security situations.
- Lack of programmes that provide survivors with rapid support services after documenting the crimes and violations.
- The killing, displacement, and arrest of service providers and trained personnel. For example, Syrian organizations working on documentation report that there was only one psychiatrist available in the regions under the regime's rule. Survivors refrained from visiting him either due to the distance they had to cover to reach him or due to the many checkpoints on the way.

- Many workers in this field lacked the ethics and standards of confidentiality and non-disclosure of the identity of the victims.
- Lack of legal aid to women and men victims and lack of awareness of their own rights.
- Absence of a spirit of justice and accountability in Syria, which led to a state of hopelessness in democratic transition and a sense of disappointment with the national and international organizations working on documentation. All this has discouraged victims of sexual violence from coming forward and documenting their stories "in return for illusions of accountability."⁸
- The victims'/survivors' fear of defamation and having their reputation tarnished after documenting their experiences. Also, fearing they would be accused of lying or of making certain profits from coming forward.

Will we be able to hold to account all the criminals who have perpetrated the most heinous of crimes against these women, using them as means to terrorize, humiliate, and revenge? Or will the Syrian calamity prove the failure of the international system and UN organizations working on impunity?

Joumana Seif, Syrian Lawyer and Human Rights Defender, SFL, Syria

II- Gender-Sensitive Inquiries

The independent international commission of inquiry on the Syrian Arab Republic:

The Independent International Commission of Inquiry on the Syrian Arab Republic was established on 22 August 2011 by virtue of a resolution of the Human Rights Council. It has “a mandate to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic. The Commission was also tasked to establish the facts and circumstances that may amount to such violations and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.”⁹

The Commission is comprised of three members, secretariat support to investigators and analysts, a legal advisor, military experts, chemists, child expert, and experts in gender and sexual and gender-based violence.¹⁰ The Commission promotes justice for women victims through allowing them to bring their unknown stories to light and through including women in any and all peace processes or political negotiations, as stated in UNSCR 1325.

Since February 2012, the Commission has assessed the situation in Syria to have “met the legal threshold for a non-international armed conflict. [It] has therefore applied both international

humanitarian law and international human rights law in its assessment of the actions of the parties to the hostilities.”

The Commission found “reasonable grounds to believe that Government forces and the Shabbiha had committed the crimes against humanity of murder and of torture, war crimes and gross violations of international human rights law and international humanitarian law, including unlawful killing, torture, arbitrary arrest and detention, sexual violence, indiscriminate attack, pillaging and destruction of property.”¹¹ It confirmed that violations “were committed pursuant to State policy. Large-scale operations conducted in different governorates, their similar modus operandi, their complexity and integrated military-security apparatus indicate the involvement at the highest levels of the armed and security forces and the government.” It also found that war crimes, “including murder, extrajudicial execution and torture, had been perpetrated by organized anti-Government armed groups.”¹²

The Commission does not consider itself to be neutral but “the voice of victims.”¹³ The information it gathered during its inquiries has been used in 27 general reports (17 periodical and 10 thematic) and in its three policy papers. This data is a lynchpin underpinning the initiatives towards bringing the perpetrators to justice, hence, to accountability.

The commission faces the following challenges:

- Inability to access Syria
- Inability to access the crime scene
- Finding persons willing to testify
- Finding the persons who have left Syria
- Considering the above challenges were overcome, the incident would by then have happened much earlier and there would be for the victim a risk of reliving the trauma and the resurgence of the social stigma. In this case, utmost care must be given to

personal security in terms of care and protection.

In general, sexual and gender-based violence cases are underreported in times of war and peace alike.

The International Inquiry Commission published on 15 March 2018 a paper entitled “I lost my dignity: sexual and gender-based violence in the Syrian Arab Republic.”¹⁴

International, Impartial and Independent Mechanism IIIM

The IIIM was founded by virtue of a UNGA resolution on 21 December 2016. It is “mandated to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses and to prepare files in order to facilitate and expedite fair and independent criminal proceedings in national, regional or international courts or tribunals.”¹⁵ “The Mechanism’s mandate is also different from other models of international criminal justice. Created by the General Assembly, the Mechanism is not a court or tribunal with a jurisdiction attached. Given that limitation, it has been described as having ‘quasi-prosecutorial function’, reflecting the fact that it will support criminal prosecutions and apply criminal justice methodologies in its work, even if it cannot ultimately issue indictments or prosecute cases.”¹⁶

Accountability is “a responsibility extending across multiple jurisdictions and involving coordination between national and international actors. Importantly, it is also a model that recognizes synergies between international human rights fact-finding and criminal justice processes. In particular, the extensive work done by the Independent International Commission of Inquiry on the Syrian Arab Republic provides an important source of information for the Mechanism to consider in identifying

All parties to the conflict have committed sexual and gender-based violence, to varying degrees, as means to instill fear or punishment. Terrorist groups also used it to impose a certain social structure. Women have registered different sexual and gender-based violence incidents all over Syria, in addition to the rape and sexual violence against boys and men in government detention. Since 2011, other cases of rape and sexual violence crimes have been perpetrated by government forces and their affiliated militias as part of large-scale state operations directed towards civilians amounting to them being considered crimes against humanity.

Florian Razesberger, Chief Analyst, International Commission of Inquiry on the Syrian Arab Republic

patterns of violations and other evidentiary leads. There are also significant synergies between the work of the Mechanism and that of other bodies, such as the Organisation for the Prohibition of Chemical Weapons (OPCW)-United Nations Joint Investigative Mechanism and non-governmental organizations whose work has begun the process of linking crimes to those potentially responsible.”¹⁷ “The Mechanism’s work on accountability will also proceed independently of developments in the Syrian peace process and will be based on the principle that no amnesty can be granted for core international crimes.”¹⁸ The Mechanism will also especially focus on sexual and gender-based crimes, and it will ensure that “its work on gender issues is not limited to sexual violence, but addresses the full range of gender-based crimes arising in the Syrian context, as well as other gender issues, such as ensuring that the voices of women are properly heard in the accountability process.”¹⁹

The team leading the IIIM is a team of women dedicated to implementing gender-related texts by learning from past lessons and committing to the institutional strategies on gender. A gender working group has been established to lead the gender strategy at all levels.

Institutional Gender Strategies: One of the most important lessons learned from the International Criminal Tribunal for the Former Yugoslavia is that the institutional conduct and positions had great effect on how gender is dealt with within the institution; this is why we prioritize specialization in sexual and gender-based violence all throughout our office work. We have even set a “statement of commitment” which consecrates gender equality as an intrinsic value, and which must be signed by all staff members of IIIM. In addition, we have established a gender working group to lead the implementation of the gender strategy throughout our work, knowing that gender commitment is both a top-down and a bottom-up approach.

Michelle Jarvis, Deputy Head of the IIIM Syria

III- Truth-Seeking

Truth Commissions are “official, temporary, non-judicial fact-finding bodies that investigate a pattern of abuses of human rights or humanitarian law, usually committed over a number of years.”²⁰ The two parties that have the imprescriptible right to know the truth about the circumstances in which the violations took place are victims and their families, on one hand, “irrespective of any legal proceedings”²¹; and society, on the other, for “every people has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes. Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations.”²²

A gender approach is required throughout all the steps of the work process: establishing, managing, staffing, and setting the mandate and competences of truth commissions, framing of institutional structures, planning for the public and closed hearings, and reporting. It is also required from the commission members, both women and men, to prioritize gender issues, commit to them, and work closely and dialogue with victims. Women’s rights defenders and experts in gender issues should have a contribution too as they can provide the commission with much needed expertise.

Truth-seeking challenges

- Every person has their own experience and is impacted differently. Accordingly, the process should be tailored to fit each person involved, so they can together build the collective memory and adopt a joint narrative. This requires designing a process which respects individual memory and generates a collective one.
- The impact of violations and crimes against women should not be submitted independently from the general context. This would serve to highlight women’s strength in their resistance and struggle to survive, the different roles they assumed during the military conflict, the suffering they endured, and the impact of the conflict, crimes, and violations on them.
- In case of sexual violence and stigmatization, the narratives must be handled carefully and given the public interest they deserve. Consequently, the process needs to balance between respecting personal safety and disclosure of certain facts to the public. All this must happen without disconnecting the narratives from the general context. It is recommended that a special chapter in the report be dedicated to sexual violence cases even if they were mentioned elsewhere in the report.
- Women’s stories and experiences during conflicts usually remain at the margin although these women often lead their societies and are the caretakers and protectors of their family members. Their roles and contributions must be acknowledged and valued, for they usually guarantee the survival and sometimes the rebuilding of societies.

Lessons learned from Peru

Experience has proven that it is women who tend to form movements that aim at achieving justice and organize spaces for support. In Peru, for example, “the Quechua women in the areas most affected by the internal armed conflict were the first to establish an organization of family members to search for missing persons. In the midst of the turmoil, they started meeting at the doors of army fortresses searching frantically for their loved ones. Most did not speak Spanish and had never left their communities. They also organized childcare for the war orphans. In a sense, these women replaced the State which was not able or willing to provide the necessary care. These orphaned children now work and have their own lives thanks to these women.”²³ Had it not been for the work of these Quechua speaking women from Ayacucho for thirty years, we would not have seen the establishing of the truth commission and the granting of reparations in Peru. The Truth and Reconciliation Commission in Peru was able to bring the crimes of sexual violence against women to the public domain, but it failed to include the achievements of women. Alas, it only focused in its inquiries on women’s experiences in political violence, sexual abuse, and rape. One of the two gender-focused chapters of the final report discussed sexual violence exclusively. With it, women’s rights defenders were able to break the silence on the daily sexual violence women are suffering in their homes and on the streets.²⁴ After final revisions were made to the report, “even if gender was not well integrated into all of its operations in the course of the commission’s work, the final report, while still giving relatively more weight to sexual violence, does a more commendable job of including it in the multiple dimensions of political violence in Peru.”²⁵ The trend to focus only on sexual violence, despite its importance, “overshadows the broader crimes, of direct and indirect violations that women have been suffering from. Depicting violence against women as mostly

sexual [...] entrenches in the public consciousness that women are merely a body. These trends heighten their vulnerability and simultaneously strengthen the structural violence against them, which is supported by state-enforced laws. While they were, and still are, struggling for freedom, equality and citizenship.”²⁶ The example of Timor-Leste (2002-2003) and the work of its Commission on Truth, Reception and Reconciliation is important as it focused on integrating both the violation of women’s social and economic rights, and the sexual violence against them together; hence a broader impact of the conflict on women was perceived during hearings.²⁷ Going back to the Peruvian example and the hearings of the Truth and Reconciliation Commission, the voices of women have contributed to the democratization of the public domain as their narratives have given a different perspective to the whole story. Although this exercise ended with the end of the commission’s work, the archiving of the recordings of the public hearings at the Place of Memory, Tolerance, and Social Inclusion (LUM), has allowed their voices to reach us today.

The presence of women as commissioners must be a clear requirement. The majority of people who assume the task of demanding justice are women. The equal presence of women in the commission will be the guarantee of the legitimacy that the mechanism has before other women. In the Truth and Reconciliation Commission of Peru, we were twelve commissioners and only two of us were women. The predominant image of the commission was that it was a commission of men. The equal participation of women in the commission, in addition to legitimacy, correlates positively with the guarantee of having a gender focus in the interpretation of the information that the commission will obtain. The gender approach is particularly relevant when approving the conclusions and recommendations of the commission, notably the recommendations related to institutional reforms.

Sophia Macher, Sociologist, Peru

Requirements for a gender-sensitive approach in truth commissions:

1. Gender equality should be ensured at all levels of appointment and recruitment in the commission, including for call centers and hotline operators, community liaisons, investigations, and legal and psychosocial support of women and men survivors. The staff must enjoy expertise in a range of disciplines such as human rights and gender, among others.
2. Gender balance in appointment and recruitment alone is an insufficient indicator to whether a commission is adopting a gender-sensitive approach, “internal power dynamics [...] can be critical in determining which issues get prioritized.”²⁸
3. Members must be vocal about gender issues and cooperating with women’s rights organizations.
4. Staff should be trained on gender issues and the impact of violations and crimes on women and girls.
5. Cooperation and consultation with women rights defenders should be sought.
6. Use of gender sensitive terms to transcribe the information received by the commission is of key importance.

Once the microphone has been passed to women they have to pass it to disabled women, women from rural areas, older women, children, and members of the LGBTIQ community, because their perspective on the Syrian conflict needs to be heard and accounted for as well. If we seek to come to the truth to what happened in Syria since 2011 and make use of the right to truth, we have to do so holistically and make space for all voices to be included.

Alexandra Lily Kather, Legal Advisor, European Center for Constitutional and Human Rights, Germany

IV- Reform of Institutions, Laws, and Guarantees of Non-Recurrence

Guarantees of non-recurrence are another core element of a comprehensive approach to transitional justice. Yet, it differs from the other three core elements (truth, justice, and reparation): criminal justice serves as a deterrent; truth commissions implement the right to knowing the truth through disclosure, clarification, and the issuing of recommendations with a preventive character; reparations provide support to the victims and allow them to access their rights; and guarantees of non-recurrence are preventive in nature as they prevent occurrence of future crimes and violations²⁹ through a broad variety of measures such as “reforming institutions, disbanding unofficial armed groups, repealing emergency legislation incompatible with basic rights, vetting the security forces and the judiciary, protecting human rights defenders and training security forces in human rights;”³⁰ in addition to reforming the education and health sectors. These preventive policies of reform of institutions and laws require political will, planning, resources, and monitoring.

Transformational phases are crucial turning points in addressing the root causes of structural inequalities, through institutional and social reforms and combatting impunity by means of:

- Bringing the unknown violations (usually against girls and women and during times of peace and war/conflict) to the surface.

- Analyzing the circumstances that justify or legalize sexual and gender-based violence against women and girls.
- Preparing the grounds for a long-term process to achieving gender equality.

Several considerations are relevant while building transitional justice programmes in post-authoritarian contexts: the fragility of the situation, the “degrees of (State) institutionalization³⁰”, and the types of violations and crimes requiring redress. Criminal trials, truth commissions’ activities, and reparation programmes depend on pre-conditions that may not have been available in authoritarian settings.

Levels of institutional reform

Long-term macro-level comprehensive reform

It involves reforming and developing state institutions, issuing a gender-sensitive constitution, promulgating laws that respect women’s rights, linking development to gender in order to achieve comprehensive justice.

Medium-term reform

It includes working towards the independence of the judiciary, democratic civil control of the armed forces, law enforcement and security services (intelligence), vetting to disqualify any person lacking integrity and independence, and excluding persons who have committed heinous crimes from public office (which could be resorted to when judicial efforts to bring them to justice fail).

Vetting

Isolating and preventing offenders from public office is essential to the process of rebuilding public trust in state institutions. It is also crucial to excluding potentially corrupt individuals who may seek to undermine and impede institutional reform. Although this

should be applied strictly within the rule of law, it remains a highly political matter. The vetting could be gradual or part of a large-scale comprehensive process of rebuilding state institutions. The risk remains that disbanding any organization with a history of use of force or intelligence may increase the rise of new organized crime groups or spiteful groups that could attempt to destabilize the peace.

Vetting is extremely important, yet, it is insufficient to reform the institutions from abuse of power. It is preferable to apply a comprehensive approach to institutional reform in addition to measures that promote institutional integrity and legitimacy. Integrity is here understood as anti-corruption measures, oversight and accountability, while legitimacy serves to rebuild trust in the institution, which requires dialogue and having an institution that is representative.

Gender-sensitive police reform

It must aim at providing effective security to men, women, boys, and girls. Hence, the police needs to be aware of the different ways to prevent all types of crime and of the state of insecurity faced by each category and take the necessary measure to combat them. Gender-sensitive police reform should encompass:

- Amending the police mandate to allow it to combat sexual and gender-based crimes against women and girls. In Haiti, a specialized sexual and gender-based violence unit was established with measurable resources allocated to it. Its members received specialized training on sexual and gender-based violence. The training later became part of the basic training curriculum of the Haitian national police. Other trainings were delivered so the gender culture becomes part of their policing. Also, a human trafficking unit was established in 1999 within the Kosovo police to counter the massive post-war cases of trafficking and prostitution.
- Adopting new modus operandi, incentives system, and

performance measures to motivate and award law enforcement practices that respond to women's needs.

- Recruiting women and implementing measures to preserve and promote their status. Women police stations were established in several Latin American countries to help combat domestic, family, and sexual violence.
- Involving women in the systems of accountability.
- Training and building the capacities of the police to counter sexual and gender-based violence, assist victims, investigate, and prosecute these crimes. In Liberia police investigators were trained on sexual and gender-based violence, and women and child protection units (WACPU) were established within the Liberian national police in separate buildings near the police stations where victims could go make their statements without having to be present in the same vicinity as the accused.

Justice should be viewed as a full chain: even if efforts are exerted to build police capacities in sexual and gender-based crimes investigations, if the judicial process is corrupt, incapacitated, or not functioning, the impact would be minimal.³²

Reform to reinforce gender equality: examples from Sierra Leone and Tunisia

Sierra Leone

An example of discrimination against women and girls in laws can be found in the right to land property and inheritance (or equal inheritance).

Customary law viewed women as property and they were exploited as sex slaves during the conflict. After the conflict, they were no longer able to make a living from their former lands, so they started working in the informal economy but were not able to support their families. Thus, they became vulnerable to all sorts of violations.

One of the main recommendations of the Transitional Authority was to redraft the laws to not allow customary laws to supersede the texts on equality in the constitution. These redrafted gender laws were adopted by the Parliament. In 2015, Sierra Leone passed a land policy to reinforce gender equality and social justice. Despite the presence of continuous challenges in consecrating land governance in the constitution and its implementation mechanisms, the legal and policy amendments made a great impact on structural inequalities which made women vulnerable. Plus, another legal reform was conducted, to establish a permanent local judicial system to challenge impunity in post-conflict gender crimes.

Promulgating laws that protect women's rights is only the first step, for a study in Liberia revealed that although an advanced rape law was passed in 2006, the challenges linked to prosecuting sexual offences are present due to a lack in police skills and capacities, incompetence of the judiciary, and victims' lack of knowledge of the stages and procedures of litigation.

Tunisia

The Tunisian experience can be taken as an example of how transformative transitional justice was used as a tool for change. It contributed to the advancement of women in the laws, public life, and the presence of a strong feminist civil society. The transitional justice process in Tunisia was participatory. After the 2011 elections, the Ministry of Human Rights and Transitional Justice was established. It held a series of national consultations all over Tunisia with civil society organizations, including feminist associations, political parties, and victims, under the supervision of a technical committee. The Ministry was entrusted with the drafting of a transitional justice law following these consultations. The supervisory technical committee included three women, one of whom was later selected as a member of the law's drafting committee.

The Tunisian Organic Law on Establishing and Organizing Transitional Justice (Law 53 / 2013) defines transitional justice in the First Section part 1 as “transition from an authoritarian to a democratic system which contributes to consolidating the system of human rights.”³³ In the Second Section article 19, the law states that the Commission “shall consist of 15 members, provided that each gender is represented by one third of the members at least. The Commissioners shall be chosen by the legislative council among personalities known for their neutrality, integrity and competence.”³⁴

The Truth and Dignity Commission was established in June 2014 and concluded its work in December 2018. Its members included five women, among whom are the president of the Commission and three chairs of committees (the Women’s Committee, the Search and Investigation Committee, and the Reparations Committee).

In its processes, the Commission adopted a gender approach across the board. The Women’s Committee was formed to defend the interests of women victims, study the direct and indirect reasons for the gender-based violations they were subject to, and to ensure the adoption of a gender approach in all the Commission’s functions. Examples include attending the private hearing sessions, requesting the adoption of a gender-based approach in the procedures, following up on the arbitration and reconciliation applications of women victims, studying the files of women victims and vulnerable groups, their reparation/compensation, psychological support, etc...³⁵ The Commission and the civil society realized that 5% of the grievances were filed by women, but they increased to 23% prior to the deadline of 2016. This was due to the efforts deployed by the Women’s Committee with the support of local and international NGOs to encourage all women concerned (direct or indirect victims) to

participate in the transitional justice process.

Tunisia chose to adopt transformative transitional justice through revising its legislations, to avoid the recurrence of the same violations in the future, and through conducting legislative and institutional reforms. It is worthy to note that the Women’s Committee of the Truth and Dignity Commission also contributed to this exercise by working on the aforementioned Law 58/2017 on the Elimination of Violence Against Women. While discussing the law at the Parliament, the president of the Women’s Committee addressed the MPs focusing in her recommendations on the type of violations reported by the women victims in their grievances.

Gender-based crimes and violations have long been justified, or sometimes ignored, since they were considered a phenomenon resulting from wars and conflicts. Some even went to the extent of considering them as collateral damage that do not call for accountability. Hence, gender-based violations became weapons targeting women in times of war and/or conflicts. It cannot be stressed enough that these violations are NOT results of conflicts, for they mirror the violence that targeted women prior to the conflict and are a continuation of it. They highlight the state of inequality between women and men which usually considers women and their bodies as a symbol of the family’s honor and equates violence with masculinity and machoism. Consequently, women become more vulnerable to sexual violations.

Rim El-Gantri, Human Rights and Transitional Justice Expert, Tunisia

Reforming the authoritarian structure of state institutions in Syria

In order to dismantle the crime mechanism, structural violations, and systematic impunity in Syria, the efforts to instill transformative transitional justice must tackle the following:

1. The structures of the army and security forces as they still constitute the regime's criminal and murderous branch in addition to the infiltration of the latter deep into society and institutions.
2. The authoritarian structure of the police and courts.
3. Exceptional courts.
4. The laws that protect criminals and perpetrators of human rights violations and grant them immunity, such as the law issued by Legislative Decree 61/1950 (Military Penal Code) and Legislative Decree 14 creating the State Security Department dated 1969.
5. Lack of awareness of women's rights and the provisions of international laws among security and justice personnel and staff, especially international human rights law and international humanitarian law.
6. Widespread corruption, which amplifies the impact of oppression.
7. Gender inequality frameworks, which intensify violence.
8. Inability to access justice, lengthy litigation process, costliness of legal procedures, gender inappropriate courtroom environment.
9. The legislative framework that grants the President broad constitutional powers,³⁶ lack of independence of the judiciary and the predominance of the Executive Power, overlapping of powers, challenges facing access to justice, legal system that discriminates against women and girls (personal status laws, penal code, nationality law), and lack of a domestic violence law. All of these constitute strong factors that shall induce the continuation of systematic violence against women post-conflict if a gender-sensitive transformative transitional justice is not achieved.

The institutional reform measures in Syria must apply the following:

- **Avoid returning to redundant approaches and toolkits already used in the past.**
- **Since every situation is different, the transitional justice and institutional reform processes must be tailored to the local context. Institutional reform must include wide-scale consultations with the participation of local influential figures and communities.**
- **Reform of main government institutions (police, army, and judiciary) is a complicated process as it requires planning, careful coordination, continuous political will, authority, and legitimacy.**
- **Focus on legitimacy and local buy-in through raising interest in culture and history, studying local preferences, impressions, and current practices of transitional justice. Legitimacy is promoted through consultation, effective results, and active participation of victims in the transitional justice process.**
- **Security sector reform is still male dominated. Women must be included in the discussions to guarantee effective participation in security structures.**
- **There is an opportunity to be creative in confronting the past and preparing for when the time comes to reform public institutions and create political momentum.**

Marina Caparini, PhD., Researcher, Stockholm International Peace Research Institute (SIPRI), Sweden

V- Reparations

The right to a remedy and reparation provided by governments to victims of gross violations of international human rights law and serious violations of international humanitarian law is embodied in a combination of different forms of reparation including "restitution, compensation, rehabilitation, and satisfaction and guarantees of non-repetition."³⁷ They could also include individual compensation, pensions, opportunities for education and training, access to health and psychological rehabilitation, measures of collective reparation, as well as memorials, official apologies or other symbolic measures,³⁸ individually or collectively. In other words, reparations are in line with accountability and criminal justice through the court system and the other transitional justice mechanisms.

Many international instruments have stipulated the right to a remedy to victims of violations of international human rights law.³⁹ However, several facts can contribute to ensuring impunity to perpetrators: the absence of a political will and the structural barriers preventing women from accessing justice, along with the absence of a gender-based legal system, the presence of an authority that excludes and alienates women from the decision-making process, and social norms that root violence against women and constitute a roadmap to complex and interlinked violations against them during times of conflict. Consequently, violations of the basic rights of victims will have devastating effect

in the long run if transitional justice does not take a transformative gender-sensitive approach in all its mechanisms, programmes, planning, and implementation, including reparation programmes, which must neither directly nor indirectly promote discrimination.

The United Nations have adopted five categories of reparations:

1. Restitution: restoration of victims' rights, property, or citizenship status.
2. Rehabilitation: physical and psychological support.
3. Compensation.
4. Satisfaction: acknowledgment of guilt, apology, burial of remains, construction of memorials, etc.
5. Guarantees of non-repetition: reformation of laws, political and civil structures that have either caused or fueled the violence.⁴⁰

The assessment of the compensation should be proportional to the gravity of the violation and the circumstances of each case. The following qualify as gross violations of international human rights law and serious violations of international humanitarian law: "physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; costs required for legal or expert assistance, medicine and medical services, and psychological and social services."⁴¹

The reparations programme must be linked to the recommendations of the truth commissions. Similarly, the planning of the reparations programme must be linked to the following issues: the list of crimes eligible for compensation, the categories of victims who will receive compensation, the reparation measures and how they are to be implemented. By setting these definitions, the scope and credibility of the compensations and the political capital of transitional justice will be defined.

Historically speaking, truth commissions and reparations have not responded to gender issues or the patterns of violence perpetrated against women and girls, including socioeconomic violations such as displacement and loss of livelihoods, which affect women disproportionately⁴² and make them more vulnerable to violence. The common focus was on violations of political and civil rights such as enforced disappearance, torture, and death. Recently, there has been more awareness of the importance of the inclusion of women in the reparation discussions for sexual violence crimes, such as in South Africa and Guatemala. As for Sierra Leone and Timor-Leste, it was evident that gender issues were integrated in the reparations programme.

Despite the progress made in setting the rules of remedy and reparation and the many good practices from world experiences, there is a gap in implementation which reaches "scandalous proportions."⁴³

Basic principles of gender-based reparations:

- Participation of women and men victims and representation of their opinions, participation of human rights defenders in the consultations, design and implementation of the reparations programmes, ensuring privacy and confidentiality while presenting the opinions of sexual violence victims.
- The individual reparations programmes for women must be designed and implemented upon analyzing the gender impact of crimes and violations and their impact on subsequent generations. A transformative transitional justice process must be adopted because it contributes to breaking down the current authority structures that were built on the exclusion and subordination of women, on structural inequality, and on violence against women. These programmes must also focus on economic empowerment of women who do not have access to resources or who do not control the resources to which they do

have access. The national reparations programme of Guatemala, for example, included land awards and regularization of land titles to Mayan women as a reparation measure, and in recognition of the historical barriers they faced in accessing land.⁴⁴

- The challenges that women face in receiving reparations must be taken into account such as the lack of access to information, illiteracy, lack of bank accounts, bullying and harassment when in public, poverty, lack of trust in state institutions, exclusion from public and political life, fear of stigmatization, fear of family and society's rejection, and a sense of guilt among victims of sexual violence. Therefore, the programmes must be designed to overcome all these barriers.
- Inclusion of all forms of reproductive violence, such as forced impregnation or abortion, in the reparations programme.
- Recipients of reparations should include family members of the direct victim and take into account the ongoing issues that women face, for example in dealing with the material consequences of stigma. Where payments are awarded, it is important to ensure that women can actually have access to the money and have control over their own income.⁴⁵

Moreover, the design and awarding of sexual violence reparations must take into account the following:

1. Reparations must not cause stigma or humiliation for the victims or communities and/or lead to retribution. Collective reparations could be a better option because they help in preventing stigmatization and do not require the disclosure of the names of the victims or their exact experiences. In Timor-Leste, sexual violence victims were awarded the same amount as

those who suffered other violations, to minimize the risk of SGBV victims identification.⁴⁶

2. The challenges of the burden of proof in cases of sexual violence may place women at further risk. As a result, designing reparations programs that do not require evidence could be possible in areas and locations where documentation has found the incidence of sexual violence. In Chile, for example, the reparations programme for torture did not require victims to disclose or prove their experiences. The fact that they had been detained in a location known for the practice of torture made them automatically eligible for receiving compensation.⁴⁷ The same approach could be used in Syria: the Syrian regime used rape as a tactic in the Houla massacre on 25 May 2012 and in known detention centers in security branches.⁴⁸

3. Notwithstanding the physical and psychological damage on victims, rape can also result in forced impregnation, sexually transmitted diseases, and sterility. Thus, the reparations programme must take a gender perspective and compensate for the impact of these side-effects.

4. Moreover, sexual violence against women even affects their social status as it may lead to them losing custody of their children or never getting married. It may also lead their families to disown them due to social stigma and prevent them from making a decent and stable life. For this reason, reparations measures must contribute to fighting prejudices and stereotypes

5. During the implementation of reparations, gender-sensitivity must be given high priority, in order for the reparations planning and programme not to lose their objectives. For example, in the village of Mauxiga in Timor-Leste, the truth commission succeeded in encouraging women to come forward with their

stories of sexual assault. As part of the symbolic reparations, a memorial was organized in Mauxiga where the killing and arbitrary detention took place in the attacks of 1983, knowing that at the same time hundreds of women were held captive in the village school and were systematically raped. During the memorial, these women (who had already shared their experiences with the truth commission) remained at the back and took charge of preparing and serving the food to the guests and authorities participating in the event. Then, when reading out the names of the heroes of Mauxiga, only the men were mentioned."⁴⁹

6. Issuing a law that allows women to register their children born of rape, either under their own names or under their family names; and protecting both mothers and children from any stigmatization.

Based on the above, the transformative transitional justice reparations programme must provide the following:

1. Rebuilding of a new social, political, and economic contract based on justice and gender equality.
2. Fostering equality and non-discrimination among all citizens.
3. Providing financial and moral support to the men, women, and children victims/survivors, and allowing the largest number of them to have access to judicial procedures and prosecution.
4. Circumventing the legal texts that discriminate against women as a prelude to amending them during the legal and institutional reform process and replacing them with texts that enhance gender equality.

The future of reparations is defined by answering several of the following questions. The decision of 'who, what, and how' depends on the results of truth-seeking and the reasons, consequences, and context of political violence from a gender perspective. This means not only covering the experiences and milieus of women, but also delving in the roots of gender inequality and discrimination to better understand the gender structure of society and how it impacts the social, economic and political lives of women. In truth-seeking from a gender perspective, restrictions imposed on women start to collapse gradually and the way the violations are remembered begin to change: from women who were never seen or remembered, or whose experiences were considered as collateral damage, to women who are receiving much notice and acclamation. The kind of truth must be what defines the reparations.
Julie Guillerot - Expert in reparations and gender, Peru

VI- Women's Courts – the Gender Pathway to Justice

When the gender paths to justice for women fail, civil society organizations (including women and feminist organizations) resort to unofficial courts to highlight the experiences of women, to break the barrier of silence, to extract a recognition of the crimes perpetrated against women in times of wars and conflicts, and to serve them justice. For instance, the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery (the Tokyo Tribunal) was organized in December 2000 to shed light on the tens of thousands of Asian women who were used as sex slaves during WWII, the so-called "Comfort Women." More than a thousand persons participated in the hearings. 64 women from 9 countries and 2 veterans of the Japanese Imperial Army/perpetrators gave their testimonies. The judgment was that the state of Japan and Emperor Hirohito were both guilty of war crimes and crimes against humanity. The tribunal also recommended the payment of compensations to the survivors and official apologies. In 2009, the CEDAW committee recommended finding a permanent solution and reparation to the survivors, prosecuting the perpetrators, and raising awareness of these crimes.

Another example of women tribunals is the International Tribunal on Crimes against Women of Burma which was organized in New York in March 2010. 12 women gave their testimonies of crimes of rape, torture, and murder. The judges ruled the government and

the military institution to be both responsible for these crimes. In Guatemala indigenous women recounted the sexual violence they endured during armed conflicts before the Court of Conscience. The judges put the responsibility of the continuing impact of these crimes on the State. The Historical Clarification Commission, which was established in the aftermath of the conflict, had reported that 90% of these crimes were committed by military personnel and none were prosecuted. Some women survivors had waited 30 years to talk about their experiences of rape, forced impregnation, forced marriage, sexual and domestic slavery, and forced sterilization.⁵⁰ In former Yugoslavia, reparations for all crimes including sexual violence required going to criminal courts⁵¹. This was somehow discouraging to certain victims and witnesses who would not speak publicly. Although sexual violence was perpetrated during the war, there were few judicial procedures against the perpetrators. All countries of the Former Yugoslavia have passed rape reparation laws, but this was not an easy feat and their implementation is even harder. Bosnia and Herzegovina recognized these crimes in 2006; Croatia in 2015; Kosovo in 2014 (implementation in 2018); Serbia still has not recognized them. Without recognition, victims lived in silence and were deprived of their basic rights due to political manipulation and hate speech prior to elections.

The women's court in former Yugoslavia is considered a founding step in building and enacting a feminist concept of accountability.

Women's Court in Former Yugoslavia

A women's court was established because the institutional legal system did not acknowledge nor penalize violence against women or any person who had no privileged social, economic, or political standing. Consequently, women groups decided to form alternative justice-enforcing mechanisms which do not reject the institutional mechanisms of justice, on one hand, and pledge the

In Croatia

The women groups formed during the war to respond to gross human rights violations grew aware that sexual violence was not the only form of violence that women survived. So, we organized support groups to women survivors of different forms of violence regardless of their race, religion, nationality, or ethnicity. We at the Centre for Women War Victims were ourselves a mixed group – local and refugee women together of different nationalities – which made the center a rare safe space in those times of ethnic divisions.
Nela Pamukovic – Center for Women War Victims, Zagreb, Croatia.

inclusion of the gender dimension in the practice and theory of justice on the other. These mechanisms provide women with a forum where they could testify and share the violations they endured during times of war and peace alike; thus, instead of remaining subject to injustice and violence, they become beacons of justice. The court draws attention to the continuation of injustice and violence in the public and private spheres and in times of war and peace, as well as to the intersection of all forms of violence (may they be sexual, ethnic, socio-economic, military, political, or otherwise) and their effect on women. The court also sheds light on women's continuous resistance to war and gender-based discrimination.

The Women's Court did not pursue criminal accountability: it worked on pursuing collective political accountability of state institutions for war, violence, and injustice. It exerted pressure on the institutional legal system on the national and international levels to have the submitted recommendations and requests for serving justice implemented.

Between 7 and 10 May 2015, the Women's Court held a conference in Sarajevo organized by 10 feminist organizations from the Former Yugoslavia. The conference was laid out as a symbolic all-women court: the witnesses, testifiers, experts, and judges were women.

The hearings were attended by 500 people. On May 8 and 9, five hearings were held with 36 women from the countries that were previously part of the former Yugoslavia (Bosnia and Herzegovina, Montenegro, Croatia, Macedonia, Slovenia, and Serbia). The testimonies focused mainly on the crimes and the injustice endured by these women and on women's resistance.

The court sessions⁵² were organized accordingly

Theme / Topic	Number of Witnesses
The war against civilians (ethnic / militaristic / GBV)	11 witnesses
A woman's body -battlefield (sexual crimes in war)	4 witnesses
Military violence and counteraction of women	7 witnesses
Other forms of persecution in war and peace - ethnic violence	8 witnesses
Undeclared war (socioeconomic crimes against women and resistance)	6 witnesses

The women spoke about their individual experiences but in doing so echoed the experiences of many others. After each of the five sessions, the 12 associates of the Women's Court assessed the political, temporal, and spatial contexts of the crimes and violence. The international panel of experts, which was composed of historians, legal experts, and peace activists, issued its recommendations following the testimonies of women according to the feminist model of justice. The Women's Court does not issue penalties or sentences. Instead, it sets new types of rulings: crime against peace, holding the policies of the republics of former Yugoslavia accountable (especially Serbia), defining who perpetrated the crimes, questioning the intellectual elite who called for war, as well as the media which fueled the conflict, and the international organizations which failed to prevent the fighting...

The Women's Court continued creating new models of justice from a feminist perspective as a basic obligation towards victims, witnesses, and all women who are still bearing the heavy weight of the past and its repercussions in the social, cultural, economic and political realms.

Women in Black⁵³ (Belgrade) coordinates the works of the Women's Court with the support of the Anima Center (Kotor, Montenegro), the Center for Women Victims of War (Zagreb, Croatia), and the Cure Foundation (Sarajevo), and provides a multitude of working methods and support services, such as: regional meetings with the witnesses who testified in the Women's Court; public performances; promotion of the Women's Court at the local, regional, and international levels; a feminist team of therapists who provide continuous support to the Court's witnesses; ethics of care and feminist responsibility in monitoring war crime trials; alternative history (Women's Court archives, publication of a book in Bosnian, Croatian, Serbian, and English, and a documentary of the Women's Court translated into six languages).

Lessons learned

- The witnesses who testified in court – who are highly active in the follow-up phase – consider that the most important result of the Women's Court is the creation of the space of solidarity, mutual support, and trust as a prerequisite of common action towards peace and justice.
- The community of victims/survivors of war atrocities and injustice enjoys solidarity as they all share the common experience of suffering and resisting, individually and collectively.
- A group of witnesses, organizers, and therapists, with partial contribution of women from academia, was established to work on synergy. The horizontal dimension of the follow-up phase is evident through their active contribution in writing the alternative history and their collaboration in editing the testimonies for publication.

- The feminist policy was deemed essential for the aim of generating and transferring knowledge in politics, experience-based theoretical knowledge, eliminating the hierarchy of the forms of knowledge, learning from the experience of the Global Movement for Peace and Justice International.
- Active participation of the women victims as effective members and as developers of the concept of feminist justice in wartime and its aftermath and in uncovering the multi-layered inter-sectoral aspect of all forms of violence (sexual, ethnic, socio-economic, military, political...). The concept of feminist justice is being developed in collaboration with the witnesses, activists, and organizers of the Women's Court, as well as with women from Academia and the arts. The witnesses have become activists and activism has become an integral part of their lives. They have joined several women groups and civil society initiatives. They also created new forms of support and solidarity, such as "Mothers in Solidarity for Peace," etc.
- The ethics of women care constitute a continuous support for witnesses during the Women's Court follow-up process (group meetings / counselling / one-on-one therapy); this also includes hands-on measures and legal protection of the witnesses involved in legal processes.
- Due to their testimonies at the Women's Court and the support of the organizers, many witnesses won major legal battles and received compensations. Others were empowered to follow suit. Yet, although some were able to have successful recourse to justice, most do not trust the judiciary.
- The Women's Court made noticeable contributions to the feminist movement in the region and beyond. It consecrated the bond between the feminist groups working on tackling the past

from a feminist perspective and approach.

- The ethics of feminist responsibility among the witnesses, organizers, and activists can be clearly seen in the continuation of the process through several activities: establishing a network of women's courts made up of 'mini' women's courts that handle specific issues in the countries of the region and other similar steps; solidarity with the women working in judicial procedures; oversight of war crimes trials; public presentations of the women's court procedures to better shed light on feminist justice. Witnesses have expressed their willingness to transfer the experiences of the Women's Court and provide emotional and political support to the victims.

Obstacles and challenges preventing the achievement of justice for violence survivors.

- Institutional justice not serving justice: Many witnesses and participants have expressed their utmost concern towards the lack of institutional justice. Their experiences can be summarized in the following:
 - Women do not trust judicial justice, they are deeply disappointed with the Court of The Hague and consider its sentences to be too degrading ("rather than convict the perpetrators, victims are blamed, and criminals are rewarded").
 - The institutional legal system in the whole region is dysfunctional although some witnesses were able to access their legal rights, somehow, in the sense that they were given the opportunity to talk about their experiences before the courts. Yet, this fact only confirms the complete absence of a sense of responsibility towards the victims.
 - The glorification of criminals as heroes especially among the youth.
 - The nationalistic extreme right / fascist forces are on the rise in the world. Poverty, economic destitution, and collusion of the

The Women in Black Peace Policy Code of Ethics

-Always Rebellious: against war and all other forms of patriarchy. Since 1991, we have rebelled against the Slobodan Milosevic criminal regime. After 2000, we launched a civil disobedience campaign against the authorities which did not truly end the policy of war and war crimes. We are rebels because we are responsible citizens, independent women, and free-thinking creatures.

- We refuse to obey the patriarchy because it means slavery, lack of women's freedom, and evasion of responsibilities towards the nation and the world we live in.

-The feminist ethics of responsibility requires constant opposition to nationalists and militaries, and all the proponents of the patriarchy in the state we live in and all other states. Feminist ethics mean being responsible and focused on a specific period, a context, region, and the whole world.

Stasa Zajovic – Co-Chair, Women in Black, Serbia

political elite in crimes are staggering; nationalism, militarization, and insecurity (especially for ethnic, racial, ideological, and sexual orientations minorities) are increasing.

- Impunity in the State, society, and local communities has led to the emergence of fear, suspicion, and frustration, notably in areas with high crime rates and criminals.

- Victims are subject to different forms of manipulation, oppression and revenge by all institutions, even within their own communities as they are subject to pressure and vendetta if they testify. They fear for their own personal safety and that of their families due to the absence of a protection system that would encourage them to disclose crime-related facts.
- Peace is still not linked to justice and responsibility. If criminals are properly punished, it is easier to achieve coexistence and reconciliation.
- In many communities, women who testify about having been raped during war undergo stigmatization and harassment in their own communities. This discourages other women from coming forward or forces them to leave the country.
- Women can also be victims of rape in times of peace. They lack state support and healthcare coverage, and they suffer all sorts of problems with children born from rape. The only entities caring for these women are non-governmental organizations.
- The popularity of the Women's Court activities outside the circle of activists was less than expected at all levels: local, regional, and international. This could be due to the lack of general interest in transitional justice in the region.
- Lack of interest in the issue and lack of funding to keep the

process running patriarchal attitude of the State towards the victims when it comes to international aid.

The recommendations of the Women's Court can be summarized in organizing 'mini' courts for women, multi-level complex violence (ethnic, gender-based, and caste-based violence), militarism, persecution, human rights violations, and women's rights violations.

VII- The Role of the International Community in Gender-Sensitive Transitional Justice

War crimes, crimes against humanity, occupation, inhuman acts resulting from the policy of apartheid acts, and genocide are crimes that have no statutory limitation by virtue of the UN Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity adopted by the General Assembly on 26 November 1968 and which entered into force on 11 November 1970.⁵⁴

Article II of the Convention states that its provisions “shall apply to representatives of the State authority and private individuals who, as principals or accomplices, participate in or who directly incite others to the commission of any of those crimes, or who conspire to commit them, irrespective of the degree of completion, and to representatives of the State authority who tolerate their commission.”⁵⁵

The Statute of the International Criminal Court Article 27(2) on the irrelevance of official capacity includes the immunities “which may attach to the official capacity of a person, whether under national or international law”⁵⁶ as irrelevant. Plus, UNSCR 2122 (2013)⁵⁷ recognizes that “transitional justice measures [must] address the full range of violations and abuses of women’s human rights, and the differentiated impacts on women and girls of these violations and abuses as well as forced displacement, enforced

disappearances, and destruction of civilian infrastructure.” As for Resolution 2106 (2013)⁵⁸, it 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.”

Although the Rome Statute⁵⁹ considered rape, sexual slavery, enforced prostitution, forced pregnancy, or any other form of sexual violence to be crimes against humanity, crimes of war, and part of the crime of genocide, judicial prosecution of sexual violence is rare and limited,⁶⁰ which is why these crimes continue to this day. There is no doubt that leaving human rights and transitional justice subject to a political decision and choice undermines all international instruments and international criminal law, hence keeping them ink on paper. The international community bears the responsibility of impunity of war criminals as it is not assuming its role in enhancing world peace and security.

So far, the monitoring of the gender-related dimensions of violations during conflict and oppression remains weak. Women’s participation in the different phases of the transformative transitional justice, including consultations, is still weak too; not to mention the insufficient participation of women in truth commissions. Moreover, reparations plans are not gender-based and do not even include the right of women to land and land reforms.

One of our first enterprises, as EuroMed Feminist Initiative has been to give a new meaning or content to the words democracy, peace, security, through unveiling power structures that govern relations between women and men, which are the first factors of discrimination and oppression. Our aim was to unveil the universal patterns of oppression and highlight the need to engage a radical and relentless battle, women from South, North, East and West together. Our network is rich of the diversity of its experiences, approaches, generations and cultures. Beyond this diversity a common thread unites us: a strong involvement for democracy, for the place, role, freedom of movement and action in the public space. This means addressing the universal pattern of male domination until women and men share equally power in public and private life.

Lilian Halls-French, Co-President, EFI

Main observations of the special rapporteur on the promotion of truth, justice, reparation, and non-recurrence⁶¹

First: Objectives and perspectives of work related to gender:

- Sustaining several discussions on aspects of a gender-based approach to transitional justice, sexual violence against women, reparations, and their potential transformative nature.
- Shedding light on the pre-requisites of an enabling environment for all women that could play a pre-emptive role in transitional justice.
- Highlighting the gender perspective in the transitional justice context of prevention.

Second: Challenges in developing gender-sensitive reparations

- Many concepts are attached to silence, such as inter-generational silence and the taboo of “speaking up” or “talking about hurt and pain.” This is manifest for victims of sexual violence.
- Victims should be part of designing the process, not only invited to participate in it.
- Rehabilitation should be essential, for it allows victims to regain their lives. Inclusion of victims must encompass mental, physical, social, cultural and spiritual aspects.
- There is a need for a comprehensive multi-disciplinary approach to be made available to the victims: psychological, social, and medical support; integration services, professional training, and community reconciliation services.
- Involving the victim in the design and implementation of rehabilitation programmes.
- Providing Gender-based reparations training of judges.

Third: Challenges of designing and implementing gender reparation programmes:

- In order to address fear of disclosure, public hearings should become safe places for women and men to talk about rape.
- Stigmatization and discrimination against the victims and their children born of rape should be addressed.
- Institutional and political obstacles include not recognizing sexual violence as a reparable crime and unwillingness to fight for reparations, corruption, fear of vendettas, high costs, time-consuming procedures, lack of free national healthcare.
- Shame and humiliation seem to be the greatest challenge because of the fear they cause the victims. This sustains social stigma and makes acknowledging reparations for these crimes unachievable.

Fourth: Issues resulting from the challenges facing gender reparation programmes:

- Should the reparations for sexual violence be based on the violation or the damage it has caused? In other words, how can the damage be assessed?
- Should only victims of sexual violence during conflict receive reparations, or should all victims do so in the long run?

Current Transitional Justice Challenges to be Addressed:

- States are usually excited to implement policies and plans, but due to their neglect of the above-mentioned standards, they resort to implementing transitional justice mechanisms dating back to three or four decades earlier.
- The international community and organizations have different views of the same process: transitional justice is a comprehensive matter and it involves the UN Security Council, OHCHR, specialized agencies, the commission of inquiry, and the Special Rapporteur (the position I currently hold) among others. Yet, there is no single perspective adopted by all.
- Human Rights are not viewed as being international obligations. They are rather considered a political decision in the hands of governments, as if the atrocities give right to the government to choose not to meet its human rights obligations before the international community!
- There must be a shift to the transitional justice process. In Syria, this has not happened yet, but there are peace talks happening discreetly. No matter the peace agreement, transitional justice pillars, as previously described, must be fully applied.

Fabian Salvioli – UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Non-Recurrence

Recommendations

To Mr. Geir O. Pederson, UN Special Envoy for Syria:

1. Include gender-sensitive transformative justice and victims' rights in the political process as part of the international and United Nations obligations towards victims of the atrocities perpetrated in Syria and commitment to Human Rights and international law.
2. Strive for political transition in reference to Geneva 1 and Resolution 2254.
3. Involve women's rights defenders in all aspects, phases, and levels of the political process.
4. Request the immediate release of women and men arbitrarily detained, arrested, kidnapped, or enforced disappeared immediately.

To the Independent International Commission of Inquiry on the Syrian Arab Republic:

1. Continue issuing reports on gender-based and sexual violence in Syria.
2. Include in the report economic, social, and cultural rights violations from a gender perspective.
3. Publish the investigative information on Houla Massacre (May 2012) which the Commission's paper "I Lost my Dignity" (8 March 2018 – A/HRC/37/CRP.3) described as a massacre where rape was used a tactic.
4. Publish the results of investigations of the chemical attack on Douma on 7 April 2018, referred to in the report dated 9 August 2018 – A/HRC/39/65.
5. Amend the conditions of reporting gender-based and sexual violence crimes and violations which currently stand at a maximum period of six months following the event because victims/survivors not always able of reporting within this timeframe for reasons that could be physical, psychological, social or practical.

To the Special Rapporteur on the promotion of truth, justice, reparation and non-recurrence

1. Prioritize the Syrian issue given the atrocities perpetrated in the last eight years and highlight the importance of transformative transitional justice.
2. Collaborate with civil society organizations working on transitional justice and women's rights.

To civil society organizations documenting gender-based and sexual violence in Syria:

1. Document all the crimes and violations against women and girls, allocate sufficient resources for training of staff on gender related issues.
2. Develop a gender strategy for every file case.
3. Conduct vetting of job applicants to ensure they enjoy the required work skills.
4. Provide staff with concrete guidelines on how to document each work phase.
5. Do not refer to survivors of violence as "beneficiaries" when addressing donors.
6. Update old data and build new databases compliant with the international standards of documenting crimes and violations.

To civil society organizations working on transitional justice:

1. Study the experiences of countries that have implemented transformative transitional justice and refrain from using transitional justice mechanisms implemented three or four decades ago.
2. Focus on the participation of women's rights defenders and victims/survivors in all events and activities, include their vision and perspective in all publications and papers.
3. Adopt transformative transitional justice as a tool in achieving gender equality.
4. Integrate gender equality in all structural and work aspects of the organization.
5. Involve women staff in all advocacy actions.

We adopted a participatory approach: Instead of being beneficiaries of projects, women and young people must be involved as partners and social actors by giving opinions, making contributions, and bearing responsibilities. This eventually increases their capacities and builds their sense of ownership of the project.

Mira Vilusic – Advisor on Internal Peacebuilding, Ho Horizonti, Bosnia and Herzegovina

References

1- Paul Gready, Simon Robins, "From Transitional to Transformative Justice: A New Agenda for Practice, International Journal of Transitional Justice, Volume 8, Issue 3, November 2014, Pages 339–361

2- We do not include in this assessment women's rights organizations working on transitional justice.

3- Lama Kannout, "Gender-Sensitive Transitional Justice in Syria," The Day After Organization, 12 September 2019, pp.204-205, viewed on 1/10/2019: <http://bit.ly/2BdMUbx>

4- Urnammu Organization database reveals there were 110 girls arrested between the ages of 10 and 12 and who are believed to have reached puberty while in detention.

5- Estimated at 110 women according to Urnammu Organization database.

6- The Syrian Network for Human Rights stated that as of May 2018 the Syrian regime began revealing the fate of a large number of enforced disappeared, by tampering with their data in the civil registry and registering them as deceased. The Network also revealed that the regime declared the death of 836 persons at that time. For more info: "The Syrian Regime Condemns Itself, admits the death of 836 Syrians who have been forcibly disappeared, and the Security Council is dead," The Syrian Network for Human Rights, 27 August 2018, p.1, viewed on 29/9/2019: <http://bit.ly/2Mj1ZXS> Syrians for Truth and Justice declared that certificates of 700 deaths in Security facilities were delivered to civil registry directorates in the province of Hama in early 2019. The organization notified the families of the detainees and gave them their death certificates without delivering them the bodies or informing them of the burial sites. For more, see: "New Notifications Declare Dead Hundreds in Syrian Security Services Detention Facilities," Syrians for Truth and Justice, 18/6/2019, viewed 29/9/2019: <http://bit.ly/2plZNOB>

7 -Sema Nassar, from her intervention during the conference.

8- Joumana Seif, quote from her intervention during the conference.

9- The Independent International Commission of Inquiry on the Syrian Arab Republic, OHCHR, viewed 4/9/2014: <http://bit.ly/35DdVDd>

10 -Analytical Study Focusing on Gender-based and Sexual Violence in Relation to Transitional Justice, United Nations General Assembly, A/HRC/27/21, p. 4, viewed 27/9/2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/068/34/PDF/G1406834.pdf?OpenElement>

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12- Ibid.

13- Florian Razesberger, from his intervention during the conference.

14- "I lost my dignity: Sexual and gender-based violence in the Syrian Arab Republic", 8 March 2018, A/HRC/37/CRP.3, viewed on 4/9/2019: <http://bit.ly/2lUyaK8>

15- "Protocol of Cooperation between the International, Independent and Impartial Mechanism and Syrian Civil Society Organisations participating in the Lausanne Platform," viewed 5/9/2019: <http://bit.ly/2P4Alrl>

16- "Report of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes Under International Law Committed in the Syrian Arab Republic since March 2011," A/72/764 UNGA, 28 February 2018, p.6-10, viewed 5/9/2019: <http://bit.ly/2oNPVwB>

17- Ibid., p.6-12.

18- Ibid., p.7, B. Guiding Principles and Approaches, 1. Independence and Impartiality.

19- Ibid., p.9, 6. Developing effective approaches with regard to sexual and gender-based crimes and crimes against children.

20- Diane Orentlicher, "Promotion and Protection of Human Rights – Impunity," United Nations, Economic and Social Council, 2005, p.6, viewed 24/9/2019: <http://bit.ly/2VTTNiv>

21- Ibid., p.7.

22- Ibid., p.7

23- Sophia Macher, from her intervention during the conference.

24- Vasuki Nesiiah et al., "Truth Commissions and Gender," ICTJ, 13/7/2011, p.9, viewed 23/9/2019: <http://bit.ly/2lXc0Qa>

25- Ibid., pp.9-10.

26- Lama Kannout, "Gender-Sensitive Transitional Justice in Syria," The Day After, 12 September 2019, pp.2-3, viewed 25/9/2019: <http://bit.ly/2BdMUbx>

27- Ibid., p.50.

28- Vasuki Nesiiah et al., "Truth Commissions and Gender," ICTJ, 13/7/2011, p.10, viewed 23/9/2019: <http://bit.ly/2lXc0Qa>

29- Pablo de Greiff, "Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff," UNGA, A/HRC/30/42, 7/9/2015, p.7-par.24, viewed on 9/10/2019: <http://bit.ly/2MI4d0w>

30- Ibid., p.7-par.23.

31- Marina Caparini, from her intervention during the conference.

32- Pablo de Greiff, "Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff," UNGA, A/HRC/30/42, 7/9/2015, p.8-par.28, viewed on 9/10/2019: <http://bit.ly/2MI4d0w>

33- Organic Law on Establishing and Organizing Transitional Justice No. 53 dated 2013, viewed 20/12/2019: <https://www.ohchr.org/Documents/Countries/TN/TransitionalJusticeTunisia.pdf>

34- Ibid.

35- Organic Law 58/2017 dated 11 July 2017 on Eliminating Violence Against Women, Government of Tunisia – Presidency of the Council of Ministers, viewed on 29/9/2019: <http://bit.ly/2MQgAke>

36- For instance: Article 132 of the Constitution states: "The judicial authority is independent; and the President of the Republic insures this independence assisted by the Supreme Judicial Council." Article 133: "The Supreme Judicial Council is headed by the President of the Republic; and the law states the way it shall be formed, its mandate, and its rules of procedures." Article 134: "Judges are independent and there is no authority over them except that of the law." Article 140: "The Supreme Constitutional Court is an independent judicial body based in Damascus." Article 141: "The Supreme Constitutional Court consists of at least seven members, one of them shall be named president in a decree passed by the President of the Republic." Article 148: "The Supreme Constitutional Court shall not consider the constitutionality of the laws put by the President of the Republic to a referendum and obtained the approval of the people."

37- "Guidance Note of the Secretary-General – Reparations for Conflict-Related Sexual Violence," June 2014, p.1, viewed 6/9/2019: <http://bit.ly/35CLPbn>

38- "Progress of the World's Women 2011-2012," UN Women, p.97, viewed 9/9/2019: <http://bit.ly/35GDOCg>

39- The international instruments are: Universal Declaration of Human Rights (Art. 8); International Covenant on Civil and Political Rights (Art. 2); International Convention on the Elimination of All Forms of Racial Discrimination (Art. 6); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Art. 14); Convention on the Rights of the Child (Art. 39); International Humanitarian Law as stipulated in Art. 3 of The Hague Convention concerning The Laws and Customs of War on Land dated 18 October 1907 (Convention IV); Additional Protocols to the Geneva Conventions of 12 August 1949 (Art. 91); The Rome Statute of the International Criminal Court (Art. 68 and Art. 75); and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by virtue of General Assembly resolution 40/34 on 29 November 1985.

40- "Reparations, Development and Gender," UN Women, October 2012, p.4, viewed 13/9/2019: <http://bit.ly/31ouhMu>

41- "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law," UNGA, A/RES/60/147, 21 March 2006, pp.7-8, viewed 13/9/2019: <http://bit.ly/32IRMal>

42- "Progress of the World's Women 2011-2012," UN Women, p.95, viewed 9/9/2019: <http://bit.ly/35GDOCg>

43- "Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence," UNGA, Note by the Secretary-General, 14 October 2014, viewed 7/9/2019: <http://bit.ly/33vc8ye>

44- "Progress of the World's Women 2011-2012," UN Women, p.98, viewed 9/9/2019: <http://bit.ly/35GDOCg>

45- "Progress of the World's Women 2011-2012," UN Women, p.97, viewed 9/9/2019: <http://bit.ly/35GDOCg>

46- Ibid.

47- Ibid.

48- "I lost my dignity: Sexual and gender-based violence in the Syrian Arab Republic", p.2 – p.12 footnote 2, 15 March 2018, A/HRC/37/CRP.3, viewed on 14/9/2019: <http://bit.ly/2UyaK8>

49- Julie Guillerot, from her intervention during the conference.

50- Progress of the World's Women 2011-2012," UN Women, p.96, viewed 9/9/2019: <http://bit.ly/35GDOCg>

51- During the lifespan of the International Criminal Tribunal for the Former Yugoslavia (ICTY) between 1993 and 2016, 78 individuals were charged with sexual violence (or 48% of the 161 accused).

32 individuals were indicted as defined under Article 7(1) of the ICTY Statute, 4 of whom were additionally convicted for failing to prevent or punish the actual perpetrators of the crimes under Article 7(3) of the Statute.

14 individuals had their indictments withdrawn or were deceased before trial, 14 individuals were acquitted of sexual violence charges, 11 individuals are in ongoing proceedings, and 6 individuals have been referred to national jurisdiction.

For more: <http://bit.ly/2kjzjKc>

52- "Women's Court: Feminist Approach to Justice," RWFund, 21/12/2016, viewed 15/10/2019: <http://bit.ly/2ITRvUt>

53- Women in Black (WiB) is a network of women opposed to weapons. It is made up of women mainly (with the participation of some men) of all ages, ethnicities, educational backgrounds, social classes, lifestyles, and sexual preferences. It was organized on 9 October 1991 in Belgrade and was able to use peaceful resistance to war, crimes of war, militarism, sexual discrimination, nationalism, racism, globalization, neo-liberalism, homophobia, and all forms of violence and discrimination. So far, they organized around 2,200 street activities, created spaces for women's voices and activism against all forms of patriarchy, war, violence, and militarism. They also formed international women solidarity networks, peace networks, alliances, and coalitions, and produced more than 250 publications on alternative history, inter alia.

54- "Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity," UN OHCHR, Office of the High Commissioner, viewed 13/10/2019: <http://bit.ly/2Bi78B5>

55- Ibid.

56- "Rome Statute of the International Criminal Court adopted in Rome on 17 July 1998," ICRC, viewed 13/10/2019: <http://bit.ly/2MkhtTb>

57- "Resolution 2122 (2013) Adopted by the Security Council at its 7044th meeting on 18 October 2013," UN Security Council, 18 October 2013, p.2, viewed 13/10/2019: <http://bit.ly/2IYQ3QF>

58- "Resolution 2106 (2013) Adopted by the Security Council at its 6984th meeting, on 24 June 2013," UN Security Council, 24 June 2013, p.3, viewed 13/10/2014: <http://bit.ly/32n3nWX>

59- "Rome Statute of the International Criminal Court adopted in Rome on 17 July 1998," ICRC, viewed 13/10/2019: <http://bit.ly/2MkhtTb>

60- "Preventing Conflict, Transforming Justice, Securing the Peace," UN Women, 2015, pp.102-104, viewed 14/10/2019: <http://bit.ly/2oFbOOB>

61- Fabian Salvioli, From his intervention during the conference.

Annex – Agenda of the Conference

Day One: Wednesday, 20 February 2019

08:30 – 09:00 Registration

09:00 – 09:15 Opening

09:15 – 11:00 First Session | Transitional justice and its impact on gender equality

Ms. Lama Kannout – Researcher, Executive Director, Syrian Feminist Lobby, Syria

Ms. Rim El Gantri – Expert on transitional justice, Tunisia

*Moderator: Ms. Ghaida Al Oudat – Syrian Center for Citizenship, Syria

11:00 – 11:30 Coffee Break

11:30 – 13:15 Second Session | Gender-sensitive investigations and prosecutions

Ms. Michelle Jarvis – Deputy Head of the International, Impartial and Independent Mechanism (Syria), Switzerland

Ms. Antonia Mulvey – Founder and Executive Director of Legal Action Worldwide, UK

13:15 – 14:15 *Moderator: Mr. Habib Nassar– Director of Policy and research, Impunity Watch, Lebanon

Lunch Break

14:15 – 16:00 Third Session | Truth-seeking mechanism

A Representative of the International Commission of Inquiry on Syria, Switzerland

Ms. Sofia Macher – Sociologist, Peru

Ms. Alexandra Lily Kather – Legal Advisor, European Center for Constitutional and Human Rights, Germany

*Moderator: Mr. Ibrahim Al Kasem – Lawyer, founding member of Caesar Files Group, Syria

16:00 – 16:30 Coffee Break

16:30 – 18:00 Fourth Session | Legal and Institutional reform and guarantees of non-recurrence

Ms. Marina Caparini –PhD, Senior Researcher at the Stockholm International Peace Research Institute, Sweden

Ms. Stasa Zajovic – Co-founder of Women in Black, Serbia

Ms. Sawsan Zakzak – Researcher, Activist in Women's rights, Syria

*Moderator: Ms. Roula Al Rikbi – Syrian Feminist Lobby, Syria

Day Two: Thursday, 21 February 2019

09:00 – 10:45 First Session | International commitment to gender-sensitive transitional justice

Mr. Fabián Salvioli –Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, OHCHR, Switzerland

Ms. Lilian Halls French – Co-President, EuroMed Feminist Initiative, France

*Moderator: Mr. Nael Georges – Human rights researcher, responsible for the MENA region, PEN International, Syria

10:45 – 11:15 Coffee Break

11:15 – 12:45 Second Session | Reparation and memorization

Ms. Nela Pamukovic – Centre for Women War Victims – ROSA, Zagreb, Croatia

Ms. Julie Guillerot – Specialist in reparations process and gender issue, Peru

Ms. Fadwa Mahmoud – Founding member, Families for Freedom, Syria

*Moderator: Mr. Bassam Al Ahmad –Executive director, Syrians for Truth and Justice, Syria

12:45 – 13:45 Lunch Break

13:45 – 15:45 Third Session | Gender sensitive transitional Justice - a foundation to sustainable peace and justice

Ms. Mira Vilusic – Internal peace-building consultant, Association “HO HORIZONTI”, Bosnia and Herzegovina

Ms. Sema Nassar – Co-Founder, Executive director, Urnammu for Justice and Human Rights, Syria

Ms. Joumana Seif – Syrian Lawyer and human rights defender, Syrian Feminist Lobby, Syria

*Moderator: Maya Al Rahbi – Director of Musawah-Women’s Studies Center, Syria

15:45 – 16:15

Closing Remarks

1