

# **Making Connections: Bridging Transitional Justice and Security Sector Reform to Confront Conflict-Related Sexual and Gender-Based Violence**

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## **Abstract**

**S**exual and gender-based violence (SGBV) is one of the main challenges women and girls face during and in the aftermath of conflict. The experience of such violence not only affects the physical and mental health of women and girls, but also often has a significant impact on their ability to participate in post-conflict political and economic processes. Although the recent increase in international attention to SGBV is laudable, its ongoing perpetration shows that more effective methods are needed to prevent and respond to such violence. This article presents an initial exploration of the potential connections between transitional justice and security sector reform for addressing SGBV committed during conflict and its aftermath, arguing that making these connections in a gender-sensitive manner can facilitate more effective, sustainable, and equitable peacebuilding efforts.

## **Introduction**

Sexual and gender-based violence (SGBV) has been part of armed conflicts throughout history. Despite this reality, only within the last decade has SGBV received attention not only as a byproduct of war, but also as a tactic strategically used to advance the agenda of those engaged in conflict. As perceptions around international security have evolved, actors in the international community have increasingly acknowledged the use of sexual violence as an inhibitor to creating stability in the aftermath of conflict as well as a threat to regional security. Although increased international attention to

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SGBV in armed conflict is commendable, it is essential that more acknowledgement be given to the ways that SGBV persists and often changes in a post-conflict environment. The continued prevalence of SGBV in post-conflict settings illustrates that tactical methods of war continue even during “peacetime” and that a better understanding of the role of gender in conflict is needed in order to design more effective strategies to address such violence and facilitate gender-sensitive post-conflict transitions.

As societies transition out of active warfare, SGBV often shifts from the public sphere, as part of the armed conflict, to the private sphere, typically as a form of domestic violence.<sup>1</sup> Although NGOs, international organizations, and peacekeepers have worked to respond to violence in the public sphere, the rise of privatized SGBV reflects a significant extension of the conflict dynamic that is typically considered beyond the scope of peacekeeping missions and other security measures. This narrow understanding of SGBV and oversimplification of the context and extent of the phenomenon during post-conflict transition often diverts resources away from more comprehensive responses to SGBV and prevents the development of more inclusive peacebuilding strategies.

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In looking at creating more equitable models of post-conflict programming, it is important to make the connection between SGBV that took place during the conflict and SGBV that continues in the aftermath. Thus, more needs to be done to recognize SGBV as a tool used in armed conflict, to establish more robust methods for accountability, to reverse cultures of impunity, and ultimately to lay the foundation for a gender-sensitive rule of law that takes into account the ongoing perpetration of SGBV. Two key components of this process are transitional justice and security sector reform (SSR). Transitional justice mechanisms are meant to provide insight into the psycho-social causes and consequences of conflict while offering victims the space to claim some redress for injustices experienced. The reform of security sector institutions is meant to find ways to more effectively respond to the security needs of all members of the

population, including gender-based security threats. To date, these components have been largely disconnected from each other, arguably decreasing the effectiveness of each and reducing opportunities for gender-sensitive security and justice concerns to be incorporated into the peacebuilding agenda. This article examines both transitional justice and SSR from a gender perspective, arguing that connecting these processes can have a positive impact on laying the foundation for a more sustainable and equitable peace.

This article will 1) describe the evolution of the incorporation of gender and women's rights into the international security agenda; 2) reframe SGBV as a security issue as well as a means of negotiating power; 3) present a background on transitional justice and SSR through a gendered lens, highlighting the importance of connecting these two processes; and 4) finally, raise some key challenges that need to be addressed in order to maximize the effects of transitional justice mechanisms and SSR independently as well as the potential connections between them. Ultimately, this paper will argue that, despite potential challenges, linking gender-sensitive transitional justice and SSR processes is an essential step in building peace in the aftermath of conflict.

### **Evolution of Gender as an International Security Concern**

As the understanding of international security within the United Nations has broadened, various themes around gender, including sexual and gender-based violence, have begun to be incorporated into peace and security policies and practices. Traditionally, security was seen as a 'state-based' concept, in which the protection of state borders and state interests were the core features of foreign policy. The UN's conceptual shift around security is reflected in Boutros Boutros-Ghali's 1992 report *Agenda for Peace* and the UN Development Program's 1994 *Human Development Report*. These key documents illustrate how security norms began shifting away from state and institution centered priorities into what is known as collective human security.<sup>2</sup> The concept of human security expanded the scope of security concerns by highlighting the needs of individuals and taking into account critical issues such as economic security, food security, health, and environmental security. By reframing security interests on a more nuanced and individualized level, the concept of human security can be seen as a precursor to the formulation of gender issues, such as SGBV, and women's rights as relevant to international peace and security.

The mobilization of women's groups, human rights organizations, and other civil society activists has led to increased national and international attention to issues around women in conflict. Thus, UN Security Council Resolution 1325 (2000) can be seen as both the culmination and the starting place for the recognition of gender issues and women's rights as key components in the international security framework. Resolution 1325 marked the first time the Security Council officially recognized the differentiated experiences of men, women, boys, and girls in conflict.<sup>3</sup> Resolution 1325 notes the importance of mainstreaming gender throughout all peacebuilding activities, including in both transitional justice and security sector reform. Furthermore, the resolution frames women's participation in conflict and post-conflict transitions as a necessary

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component for establishing security and building a sustainable peace.<sup>4</sup>

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SGBV remains one of the most pressing issues that can prevent women's recovery and participation in post-conflict peacebuilding. While Resolution 1325 touched upon SGBV, it did not address some of the more specific challenges around sexual violence that women face during conflict situations. In 2008, increased attention paid to the perpetration of SGBV spurred the UN Security Council to unanimously pass Resolution 1820 to address sexual violence in conflict situations.<sup>5</sup> In Resolution 1820, the Security Council "expresses its readiness...to, where necessary, adopt appropriate steps to address widespread or systematic sexual violence"<sup>6</sup> and affirms that "effective steps to prevent and respond to such acts...can significantly contribute to the maintenance of international peace and security."<sup>7</sup> Along with Resolution 1325, Resolution 1820 represents a key shift in thinking about the role of sexual violence in armed conflict and how its perpetration inhibits peace processes. In her statement of intent in sponsoring the resolution, the United States representative, Condoleezza Rice, stated, "This world body now acknowledges that sexual violence in conflict zones is indeed a security concern. We affirm that sexual violence profoundly affects not only the health and safety of women, but the economic and social stability of their nations."<sup>8</sup> By recognizing sexual violence as a security issue, the resolution shifts the focus away from sexual violence as an unfortunate by-product of war to being a security threat in and of itself that can destabilize, terrorize, and humiliate entire communities. The resolution also recognizes that violence, intimidation, and discrimination hinder women's participation and involvement in conflict resolution and prevention efforts, thereby further linking it to Resolution 1325.<sup>9</sup>

Resolution 1325 and Resolution 1820 squarely insert sexual violence into an international security framework, which serves as an important reference to help prioritize the response to and prevention of SGBV by security and peacebuilding institutions and processes. As will be discussed in this paper, the reframing of sexual violence as a security issue has significant implications for security sector reform at the national level. Understanding SGBV against women as a continuum of violence helps to reframe these issues as part of the constant negotiation of power dynamics that is often a main feature of conflict and post-conflict gender relations.

**SGBV as a Means of Renegotiating Power**

Sexual and gender-based violence (SGBV), whether committed during times of armed conflict, transition, or "peace," is about (re)establishing or (re)enforcing power dynamics. The differentiation of gender roles is a key indication of a community's

distribution of power and means of social stability, both of which are often compromised during armed conflict. While it's important to understand each conflict on a case-by-case basis, there are some gendered trends to recognize. For example, there can be an expansion of women's roles on the one hand and a deepening of violent masculinities on the other. Women may have taken on more "masculine" roles during the conflict, such as being the main source of income for their household or as armed combatants. On the other hand, the research of Cynthia Cockburn notes that the mobilization of men into armed groups increases violent masculinities and "deepens the differentiation of men and women, masculinity and femininity, preparing men to fight and women to support them in doing so."<sup>10</sup> Research shows that sexual violence is more likely to be committed during these times of societal imbalance: "a comparison of low-rape and rape-prone societies reveal that the occurrence of rape is particularly high where male power has become unstable."<sup>11</sup> In the aftermath of conflict, men may feel threatened and demasculinized by women who took on more "masculine" roles during the conflict. This tension of roles and status can lead to an increase in violence against women as men struggle to reassert their previously held power and control. This reassertion may be exacerbated by the violent, militarized masculinities normalized during the conflict. Indeed, Cockburn theorizes that the more militarized perceptions of masculinity become during a conflict, the more prevalent SGBV.<sup>12</sup> As gender roles are challenged and subsequently reestablished, the risk of SGBV heightens in a post-conflict setting.

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The increase or continuation of SGBV in a post-conflict setting can severely limit the opportunities for women to participate in post-conflict peacebuilding processes. For example, a study on gender-based violence in Sierra Leone found that such violence exacerbates the challenges that women already face in the aftermath of conflict, such as extreme poverty, the breakdown of social networks, limited options for generating livelihoods, and exclusion from political and decision-making structures.<sup>13</sup> When women feel insecure due to SGBV, they may be less likely to participate in peacebuilding processes which in turn tend to lead to their rights and security needs not being adequately considered.

Although violence against women is seen to increase during conflict, it is important to understand this violence as a continuum rather than an exception in order to shed light on the social, institutional, and cultural norms underlying its perpetration.<sup>14</sup> It is often noted that there is a privatization of SGBV in the aftermath of conflict.<sup>15</sup> This frequently takes the form of domestic violence, including forced sex within marriage, making it difficult to measure, monitor, and incorporate within the larger conflict narrative. Despite this apparent increase, international and national actors

tend to put emphasis on controlling violence in the public sphere, treating SGBV as peripheral to the political process.<sup>16</sup> Drawing on the work of Carolyn Nordstrom, Tina Sideris notes that “differentiating between rape in war and peace carries the danger of prioritizing sexual assaults so that rape that is used as a tactic of ethnic cleansing evokes moral outrage, yet forced sex in the privacy of family life is accepted.”<sup>17</sup> Instead, understanding violence against women and SGBV as a continuum can help to refocus attention on the fact that these are ongoing issues that span conflict, post-conflict, and “peacetime.” Reframing violence in this way offers a more realistic understanding of the problem and the shifting power dynamics of conflict while placing it in the realm of both security actors and peacebuilding processes.

### **Gender-Sensitive Peacebuilding: Transitional Justice and Security Sector**

As highlighted in the previous section, the SGBV that women face during conflict impedes their active participation in post-conflict rebuilding processes. The insecurities that women face, including but not limited to SGBV, are often considered secondary to the

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broader security agenda. The challenge is cyclical: if there is not a secure environment, women often cannot participate in post-conflict activities, but without their participation, their security concerns are generally left unaddressed.<sup>18</sup> As Fionnuala Ni Aolain and Eilish Rooney note, “to achieve transition without assessing women’s diverse experiences of conflict and/or the prior regime and without integrating the specific needs of women into the frame of transformation is to impoverish and weaken our capacity to meaningfully reform societies in transition.”<sup>19</sup>

Although women can be more vulnerable during and in the aftermath of conflict, changes in gender roles during conflict can also create opportunities for gender and societal norms to evolve in post-conflict transitional, reconstruction, and reform processes. In writing about conflicts in South Asia, Rita Manchanda observes that

“conflict opens up intended and unintended spaces for empowering women, effecting structural social transformations and producing new social, economic, and political realities that redefine gender and caste hierarchies.”<sup>20</sup> Indeed, armed conflict can be a means of social reordering and personal transformation as men and women internalize their newfound roles and responsibilities.<sup>21</sup>

In order to fully maximize the potential opportunities for women in the post-conflict transitional phase, more robust mechanisms of addressing SGBV are needed

and a stronger commitment to accountability is necessary to ensure a more gender-sensitive environment during and after the transitional period. Two components of post-conflict peacebuilding that can serve as vehicles for addressing SGBV and other gender-based security concerns are transitional justice and security sector reform. Unfortunately, these processes are typically carried out independent of each other and can even at times be viewed as having conflicting aims. For instance, transitional justice seeks healing from the past at the risk of destabilizing the present, while security sector reform is grounded in addressing immediate security concerns at the risk of overlooking past grievances.<sup>22</sup> The following section will provide a brief overview of both transitional justice and security sector reform through a gendered lens. It provides an initial exploration of the substantive connections between the two processes, arguing that intertwining these processes is one way of potentially making peacebuilding more sustainable and equitable.

### 1. *Transitional Justice*

The UN Secretary General's 2004 report *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* defines transitional justice as comprising “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice, and achieve reconciliation.”<sup>23</sup> Although the beginnings of transitional justice were found in criminal prosecutions, the list of mechanisms commonly associated with transitional justice have grown to include: prosecutions at the international, hybrid, and national levels; truth and reconciliation commissions; sanctions; customary justice; reparations; public apologies; memorials; and vetting (or lustration).

Transitional justice mechanisms play an important role in establishing a shared history of a conflict. With greater participation of different sectors of the population in transitional justice, including men, women, boys, and girls, a more accurate and representative reflection of the varied experiences of armed conflict can emerge. Because women’s experiences of armed conflict have often been neglected in post-conflict processes, more recent transitional justice mechanisms

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have actively worked to increase women’s participation. For example, Kimberly Theidon notes that early truth commissions, specifically those in Argentina and Chile, rhetorically assumed a “gender-neutral” approach to collecting information. Such neutrality was criticized because “gender-neutrality” often meant a default privileging of men’s experiences and perspectives. This criticism led subsequent commissions, such as those in Guatemala, South Africa, and Peru, to proactively seek testimony from women despite the “gender-neutrality” of their mandates.<sup>24</sup> More recent truth commissions, including those in Haiti, Timor-Leste, and Sierra Leone sought out the

testimony of women, incorporated gender provisions specifically in their mandates, and identified such crimes as being critical for investigation.

Another significant milestone in the incorporation of women's narratives in transitional justice mechanisms was the criminalization of SGBV within the international criminal tribunals in the former Yugoslavia and in Rwanda. For instance, the landmark Akayesu case of the International Criminal Tribunal of Rwanda (ICTR) established the legal precedent of SGBV as a crime against humanity. Building on this and several other cases from the ICTR and the International Criminal Tribunal for the Former Yugoslavia, the Rome Statute of the International Criminal Court went even further to include in its definition of SGBV that such violence can constitute acts of genocide, war crimes, and crimes against humanity. This increases the number of cases where SGBV could potentially be included as an international crime.

Christine Bell and Catherine O'Rourke note that efforts to "add gender" to transitional justice have been mainly focused on the legal treatment of sexual violence in armed conflict. Advocacy in this area has focused on three main issues: securing the recognition of women's experiences of gender-based violence in armed conflict as a crime of utmost seriousness; bridging the gap between the legal standards that exist and the enforcement of these standards; and securing reforms of courtroom procedures to make sure that victims of sexual violence are not revictimized.<sup>25</sup> Although this more legalized attention to SGBV is an important aspect of addressing the gendered experiences of armed conflict, by prioritizing sexual violence, transitional justice mechanisms can create a hierarchy of abuses where crimes considered "political violence" (i.e. crimes of rape based on political intent such as ethnic cleansing) are prioritized over other crimes of war. In her discussion of the testimony of women before the South African Truth and Reconciliation Commission, Fiona Ross notes the priority the Commission put on the physical violence that women experienced during the conflict, but says that "the physical experience of pain is but a part of a far wider destruction. By focusing too closely on bodily experience, we run the danger of failing to attend to the experiences of which women speak."<sup>26</sup> These experiences touch on the core of their everyday family life and the aftereffects of violence for generations to come.<sup>27</sup> For example, the South African Truth and Reconciliation Commission report recognizes the physical, psychological, and economic effects of apartheid, but does not explicitly talk about how women who have been associated with SGBV may be scorned and ostracized by their families and communities and further discriminated against in society. The long-term implications of sexual violence tend to be underestimated or neglected when in fact their effects on individuals and communities are significant and long-lasting.

The concept of transitional justice presents some significant challenges from a feminist perspective because it is unclear what women are moving from and what they are moving toward. The reality that the post-war period risks a reversion to stricter gender roles and increased SGBV against women raises important questions around what exactly is the vision for transition and who is making such decisions.

By considering SGBV as a continuum, scholars and practitioners could gain deeper insight into the context-specific processes of transition through a gendered lens and may be better positioned to tease apart how interventions and institution building either reinforce or challenge the status quo. The role of institutional reform and the institution's perceived legitimacy in a post-conflict transitional period is key to addressing issues around SGBV. One of the critical questions for transitional justice mechanisms involves how to adequately punish perpetrators and reform institutions that were themselves involved in human rights abuses, such as the police and armed forces. The recognition and criminalization of SGBV established by transitional justice mechanisms may provide the necessary stepping stone for security sector institutions to become more accountable for previous actions, as well as to prevent and respond more aggressively to such violence in the future.

## *2. Security Sector Reform*

International donors and actors have put increasing emphasis on Security Sector Reform (SSR) as an integral part of post-conflict peacebuilding.<sup>28</sup> According to the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD-DAC), SSR consists of: “the transformation of the ‘security system’—which includes all the actors, their roles, responsibilities and actions—working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well functioning security framework.”<sup>29</sup> Security sector reform aims to create security institutions that are able to effectively address the security needs of a given country's population. Such reform means making security institutions accountable, transparent, democratic, and in line with international human rights standards.

There is growing recognition of the need to integrate gender into SSR programming, both to adequately address a population's security needs and to increase the operational effectiveness of security institutions. Making SSR processes more gender-sensitive can help to “address the patterns of vulnerabilities of women, men, girls, and boys as well as the resources available to them and the strategies that they employ for their own security.”<sup>30</sup> The incorporation of gender can make security institutions “more targeted and responsive, and thus more effective and sustainable. Moreover, security institutions that are seen to listen and respond to the needs of all parts of the community will be perceived as more legitimate and accountable.”<sup>31</sup> Holding security personnel responsible for any SGBV

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committed during and after the conflict is a vital part of increasing the legitimacy of security forces and should be one of the main components of reform efforts.

As discussed above, the broadening of the concept of security triggered an ideological shift to the idea of human security of individuals, including women. As SGBV is one of the most persistent security issues that inhibit women's full participation in social, economic, and political spheres in the post-conflict period, addressing SGBV should be a key component of any peacebuilding measures, including security sector

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reform. The absence of SGBV considerations can have significant repercussions on other post-conflict processes in the short-term and long-term. During the Wilton Park Conference entitled "Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers?" participants "affirmed that the legacy of impunity for wartime rape is 'peace-time' rape—a perception that women can be violated without consequence."<sup>32</sup> When some form of recognition or punishment for SGBV does not occur, there is an implicit legitimization of such violence, which lends itself to high rates of SGBV in the post-conflict environment.<sup>33</sup> Thus, it is critical that the security sector actively assert the

need for accountability in order to genuinely reflect their commitment to addressing the security needs of the population. Particularly where actors in the security sector itself are culpable of such violence, it is necessary to reverse the culture of impunity for SGBV and send the message that this behavior is a serious crime with consequences. SSR must critically assess the internal capacity of security institutions to make change and the extent to which their actions support or impede the stabilization and security of all members of society.

### **Connecting Transitional Justice and Security Sector Reform**

Though there has been some work done on the connections between transitional justice and security sector reform, the linkages between the two fields have been largely unexplored both theoretically and practically, including the gendered connections between the two.<sup>34</sup> Eirin Mobekk's piece "Transitional Justice and Security Sector Reform: Establishing Sustainable Peace" is one of the few pieces of work that systematically looks at different types of transitional justice mechanisms and their connection to SSR.<sup>35</sup> Mobekk identifies three common objectives for transitional justice and SSR: accountability, capacity-building to strengthen the rule of law, and non-recurrence. In the case of accountability, transitional justice examines the past to ensure that past crimes have been accounted for, whereas security sector reform looks to the present and future to ensure that the security sector has the capacity to be responsive to violations of the law. Some transitional justice mechanisms include

capacity-building as an explicit goal. For example, the mandate of hybrid courts have often included capacity-building for the local justice system to support investigations and trials that meet international standards. SSR almost always involves capacity-building, particularly with regard to the integration of gender into security sector policies and programs. Mobekk observes that non-recurrence is the ultimate aim of transitional justice mechanisms. SSR contributes to this end by establishing oversight and transparency of the security sector and integrating human rights standards into standard operations.<sup>36</sup> Thus, the connections between transitional justice and security sector reform are particularly important in ensuring non-recurrence and building sustainable peace.

Similarly, Laura Davis's case studies in East Timor, Afghanistan, Burundi, and the Democratic Republic of the Congo argue that by linking transitional justice and SSR processes, each will become more effective in preventing recurrence through more appropriate institutional reform and heightened accountability mechanisms.<sup>37</sup> She puts particular emphasis on how the linkages between the two processes can increase the integrity, accountability, and legitimacy of security institutions by transforming the relationship institutions have with the population. Where reform efforts seek to enhance democratic oversight of security institutions, linking transitional justice and SSR can help to empower citizens, which is a key element in building public trust in the institution. This can help to transform "victims into citizens whose rights are known, protected and enforced, and who hold public institutions to account."<sup>38</sup>

There are several types of transitional justice mechanisms that provide examples of possibilities for intertwining with SSR processes, including hybrid tribunals, international criminal tribunals, and truth commissions. These mechanisms can have an exemplary effect for how to effectively incorporate gender into policies and procedures, as well as provide additional support for the establishment of reforms within SSR. For example, a guide on hybrid courts produced by the Office of the High Commissioner on Human Rights notes that both the prosecution of gender crimes and the promotion of women's participation in hybrid courts can bring about shifts in cultural norms to hold greater value for women's experiences and contributions in society.<sup>39</sup> This cultural shift can pave the way for legal reforms that help to protect women from SGBV and support their participation in society. By combining local and international law, hybrid courts can also help to promote the reform of domestic laws by incorporating international human rights standards.<sup>40</sup> For example, international actors working in the hybrid court in Kosovo played a role in the reform of criminal laws by working with local actors to draft the Provisional Criminal Code and Provisional Criminal Procedure Code, which were passed in April 2004. These codes incorporate sexual offences into domestic law that were not previously criminalized.<sup>41</sup>

The International Criminal Court (ICC) provides another example of transitional justice's potential impact on legal reform. The legal framework of the ICC provides two dimensions that impact implementation of the Rome Statute provisions: cooperation and complementarity. These give the ICC authority to act when national judicial

authorities are unwilling or unable to do so. The ICC is therefore meant to complement national jurisdictions in the event that perpetrators of international crimes are not prosecuted by national authorities. Despite the potential positive impact of these provisions on national legislation, research completed in 2007 by Women's Initiatives for Gender Justice showed that ratifying states were selectively excluding gender provisions in the Rome Statute or in some cases only partially enacting gender-based crime legislation into their domestic laws.<sup>42</sup> For example, the Criminal Code of Bosnia and Herzegovina omits forced pregnancy, enforced sterilization, and any other form of sexual violence from the classification of war crimes.<sup>43</sup> This means that despite the extensive coverage of SGBV in the Rome Statute and despite a state's ratification of the Statute, a state may not have the same coverage of SGBV in its national law. Nevertheless, the potential exists for the positive incorporation of gender-related provisions in domestic law that harmonize with the Rome Statute.

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In addition, a number of truth and reconciliation commissions have included recommendations for legal reforms as a means of preventing future human rights violations. For example, the Equity and Reconciliation Commission of Morocco advised making changes in criminal laws and policies, including laws against sexual violence.<sup>44</sup> Similarly, the Truth and Reconciliation Commission of Chile recommended that national laws be brought in line with international human rights law.<sup>45</sup> Some legal and constitutional reform has been undertaken following these recommendations; however, this has often been without corresponding enforcement mechanisms.<sup>46</sup> Without a framework for SSR combined with capacity-building, these recommendations and legal modifications cannot alone ensure fair and equal application of provisions. Also, without a

gender-sensitive framework that takes into account the security needs of all members of the population, the expected positive changes from these recommendations will be severely limited. Therefore, the reform of laws on SGBV should be accompanied by a plan for awareness-raising and capacity-building to ensure that both civil society and security sector actors are accurately informed and engaged with the changing legal framework.

As can be seen from this section, connections between transitional justice and security sector reform are starting to be recognized theoretically as well as realized in some cases on the ground. Paying attention to where these connections lie and making these processes gender-sensitive could help to pave the way for more effective rule

of law reforms in the post-conflict period. Nevertheless, there are challenges to be addressed in making these connections.

### **Challenges of Making Connections**

Transitional justice and SSR processes are mutually dependent and mutually beneficial. The day-to-day operation of transitional justice mechanisms would be hindered in a situation with extensive security threats. Indeed, some transitional justice mechanisms, particularly domestic prosecutions, are dependent on the capacity of the police to carry out fair and effective investigations and make arrests. Likewise, transitional justice processes can have long-term implications for legal, policy, and personnel reforms in the security sector. Transitional justice mechanisms are in some ways limited without an effective security sector just as SSR would not be effective without the public legitimacy that transitional justice mechanisms seek to create.

The post-conflict reality highlights the need to make connections between transitional justice and SSR to address SGBV and bolster the transformative effects of each process. Nonetheless, there are potential challenges to making these connections. This section aims to identify and address some of these challenges.

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#### *1. Differing frameworks*

One of the challenges of intertwining the processes of transitional justice and SSR, as Mobekk notes, is that they each adopt varying methodologies and are seen to be responding to different needs at different times. For example, transitional justice is seen as a relatively short-term process that takes place after stability has been achieved, whereas SSR is seen as a long-term development process that involves institutional change. Despite this differentiation, transitional justice processes can help to lay the groundwork for the institutional cultural changes required for genuine SSR to take place.<sup>47</sup> As SGBV cases become a more visible part of the conflict narrative, security sector institutions could become more sensitized to issues around SGBV and respond more appropriately.<sup>48</sup> Such recognition could be seen as validation of women's experiences and set a precedent for the importance of factoring gender considerations into future initiatives. This response can feed back into efforts to strengthen transitional justice initiatives. Additionally, since victims of such crimes often feel shame and stigmatization, explicitly recognizing SGBV as a crime and acknowledging its wide-ranging impact on victims and society can help to change perceptions around women and sexual violence in society.

### *2. Violations within the security sector & lack of political will*

Another significant challenge involves cases where abuses are committed by security sector personnel themselves, compromising institutional trust. This is among the most difficult issues to address because it highlights the internal politics of the security sector that make accountability difficult to enforce without challenging the integrity of the entire institution. Truth commissions have often included a great deal of information on abuses committed by security forces; however, despite the immense human and financial resources put into truth commissions to uncover these crimes, governments often do not adopt a comprehensive strategy to implement the recommendations of the commissions to reform security sector institutions. This can be due to a number of practical factors, such as insufficient resources and the existence of many competing priorities. However, it is also due to the lack of political will to address the underlying causes of violence and to make substantive reforms. The cases where truth commissions have focused specifically on gender-based crimes and still no change occurs are particularly unfortunate because “the report and its associated recommendations act as an important tool that could be used to lobby the government to address the discrimination that women continue to face... as well as to educate and inform the population about the far-reaching consequences SGBV has on the lives of those affected.”<sup>49</sup> The overlooking of these reports and recommendations reflects a missed opportunity for both transitional justice and SSR.

### *3. Implementing vetting as a means of institutional reform*

Where impunity reigns for perpetrators of SGBV in longer-term peacebuilding and development processes, such violence is further normalized and condoned. When members of the security forces see that their or others’ acts of violence go unpunished, there will likely be a continuation, if not an increase, in the perpetration of such violence. An important area of reform in this regard is vetting, which bridges transitional justice and security sector reform. The term vetting refers “to processes for assessing an individual’s integrity as a means of determining his or her suitability for public employment.”<sup>50</sup> Vetting can help to prevent future human rights violations perpetrated by security sector personnel and can also increase the operational effectiveness of security institutions in halting and responding to crimes committed against the population. For example, if personnel who have committed human rights abuses including sexual violence are still employed by the police, women are not likely to report incidences of SGBV because they fear being violated again by officers in police stations. This therefore undermines the police capacity to fulfill their role in society.<sup>51</sup>

Vetting for crimes of sexual and gender-based violence is important for a number of reasons, including: to protect civilians as well as other security personnel from persons who might use their power to commit abuses; to ensure that the local population trusts a given security institution; and to address impunity for sexual and gender-based violence.<sup>52</sup> In the absence of other transitional justice mechanisms or other forms of

redress, dismissal can provide some form of sanction to counter the “institutionalization of impunity” that presents a major challenge to the reform process.

Despite the clear benefits and necessity of undertaking vetting for SGBV, such processes have not been widely pursued to date. For instance, in the Democratic Republic of Congo, where high levels of rape by security forces continue to be reported, no vetting processes have been undertaken and known perpetrators of SGBV have even advanced in their positions.<sup>53</sup> The challenge in facilitating vetting processes is that it requires fundamentally confronting the cultural status quos around power and breaking down the veil of impunity, which is often too destabilizing in a post-conflict setting.

#### 4. *Integrating and coordinating multiple mechanisms*

While vetting is seen as an important step in creating a cultural shift in the security sector, it cannot be understood as effective in isolation. Rather, it is one of many other reform components, including strengthening external oversight, integrating democratic governing bodies, and reforming training/recruitment procedures.<sup>54</sup> The establishment and integration of these mechanisms will take time, yet are often oversimplified within unrealistic timetables for change. The challenge of such complex and comprehensive interventions is that they involve many actors over a long period of time. Therefore, it is essential that comprehensive planning is undertaken in advance to understand how these mechanisms will be realistically integrated and what their shared goals will be at different stages. This planning is unfortunately stunted in the early stages of intervention as short-term visions and funding cycle limitations typically take priority. The challenge of coordinating and integrating multiple mechanisms in a recovering post-conflict state are many fold; however, clearly identifying short-term and long-term goals are essential in developing a sequential vision for reform.

### **Conclusion**

This article has provided an overview of the inclusion of gender into the international security agenda and a framework for understanding the connections between transitional justice and SSR to better address SGBV perpetrated during and in the aftermath of conflict. The challenges of post-conflict stability and recovery of all members of society could be better addressed by making transitional justice and SSR processes more gender-sensitive. Connecting these processes and giving adequate attention to how gendered security needs change during conflict and post-conflict phases would offer practitioners more insight into power relations within the

***The challenges of post-conflict stability and recovery of all members of society could be better addressed by making transitional justice and SSR processes more gender-sensitive.***

community and also offer insight into more effective, equitable, and holistic strategies for peacebuilding. While the importance of incorporating women into the recovery process and addressing the continuation of SGBV is gradually emerging in the academic and practitioner literature, it is evident that a better understanding of the context-specific benefits and challenges of intertwining transitional justice mechanisms and related security sector reform processes is necessary. While some connections are being made, they have not been explicitly referenced in the mainstream literature of both fields nor do they sufficiently address the gender components.

This article does not argue, however, that connecting SSR and transitional justice is the ultimate solution to addressing SGBV. Sexual violence is a complex and deeply rooted phenomenon with many lenses of analysis to unpack and multiple approaches to adopt in order to responsibly confront the problem. Despite potential challenges, making effective connections between SSR and transitional justice is one approach among many that can and should be used to address SGBV perpetrated during conflict and in its aftermath.

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## Endnotes

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