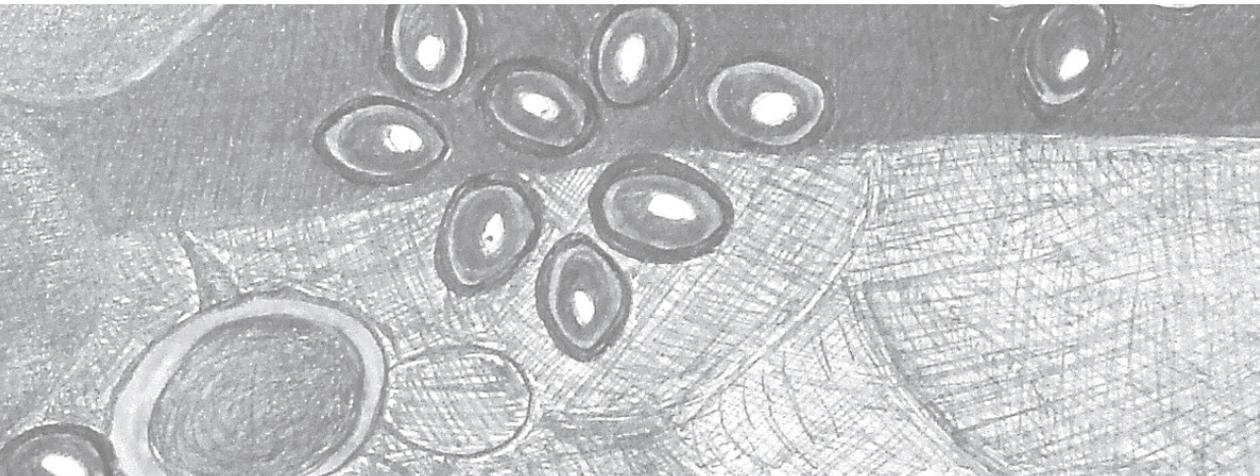




Advocay agenda for feminist and internationalist action towards an inclusive transitional justice



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Advocacy agenda for feminist and internationalist action
towards an inclusive transitional justice

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Introduction

This document contains reflections and proposals which have been formulated with a view to contributing to the generation of inclusive transitional justice processes from both a feminist and an internationalist perspective.

Transitional justice is the political and social process by which societies seek to move from war to peace and from repressive regimes to democracy. To make this possible, transitional justice addresses such serious human rights violations as were committed in the past, assuming that these cannot be ignored: they need to be dealt with to prevent the repetition of violence. Mechanisms for transitional justice generally tend to cluster around four axes: the search for the truth about violence, legal action in order to settle criminal liabilities, reparation for victims, and the political and institutional reforms that are necessary to minimize the risk of recurrence of violence.

Although such transitional justice mechanisms are supposedly neutral in terms of gender, there are factors that exert influence not only on the unequal impact of armed conflict and of repression on women and men, but also in terms of the exercise of the victims' right to truth, justice, reparation and guarantees of non - repetition. That is, transitional justice is not without its share of gender bias, and the consequence for women is that crimes committed against them tend to benefit from even more impunity than those against men; the violations of their human rights are often sub-represented in truth-seeking processes, and their access to justice and measures of recognition and reparation is limited by the cultural, psychosocial, political and economic circumstances of the patriarchal organization in society¹. Inequalities in this context are scarcely recognized at the institutional and social levels, if at all, nor are they a priority in academic circles.

In contrast to the lack of political and social importance attached to the need that transitional justice measures are inclusive, there is an important organizational fabric of women in different parts of the world that is playing a central role in the struggle against impunity for women's human rights violations committed during armed conflicts and in contexts of repression. Therefore, the main basis for the elaboration of this document is the

1 Mendia Azkue, Irantzu (2012): "Justicia transicional: dilemas y crítica feminista" (*Transitional Justice: Dilemmas and feminist criticism*), *Cuadernos de Trabajo/Lan-Koadernoak Hegoa*, no. 59, <http://publicaciones.hegoa.ehu.es/assets/pdfs/236/Cuaderno_de_trabajo_Hegoa_59.pdf?1488539793>.

identification of lessons learnt from experiences by the women's movement in its struggle for the rights to truth, justice and reparation in several countries, such as: Kosovo, Guatemala, El Salvador, Chiapas, Colombia, the Western Sahara and the Democratic Republic of Congo². In this way we believe we can provide a solid, proven foundation for the content of this document based on direct experience of the women's movement in the afore-mentioned countries. A comparative analysis thereof is intended to guide this feminist and internationalist impact agenda on such matters, which may be useful for women who get organized in the Basque Country and in other countries affected by political-armed violence.

Initial premises

We assume the contributions of feminism as a critical theory and an emancipatory political movement. This movement starts with a relational analysis of sources and of the functioning of power and then attempts to explain the inequalities and processes of exclusion and subordination of women, including those which also take place during armed conflict and repressive contexts. In such matters, feminism has shown that women face multiple situations of violence, as well as discriminatory economic, social and political circumstances, because of gender, but also as a result of a racist, classist, homophobic logic, and other kinds of reasons.

We consider that addressing violence against women from the perspective of human rights during and after wars may have a positive potential in terms of their demands for truth, justice, reparation and non-repetition. In turn, adopting this approach in the analysis of women's collective action against violence and impunity, can contribute towards a better positioning of the significance of their activism as human rights defenders.

In this document we are adopting an internationalist perspective that impels us towards different social partners: women's organizations, human rights groups, solidarity and international cooperation organizations, universities and institutions, in order to link up with them in various working processes and global struggles. In this case, this would be in terms of solidarity against

2 These experiences are gathered in: Mendia Azkue, Irantzu, Guzmán Orellana, Gloria e Iker Zirion Landaluze (eds.) (2017): *Género y justicia transicional. Movimientos de mujeres contra la impunidad*, (*Gender and transitional justice. Women's movements against impunity*) Instituto Hegoa (UPV/EHU), Bilbao, <http://publicaciones.hegoa.ehu.es/assets/pdfs/320/Genero_y_justicia_transicional.pdf?1495105356>.

impunity between the various women's movements. This is an exercise in the generation, exchange and mutual recognition of epistemological proposals and diverse political action.

On this basis, and taking into account the specificities of each context analysed, we identify several common aspects both in terms of patterns of violence against women in situations of armed conflict and repression, and in their activism against impunity. These aspects emerge from the analysis of the different experiences that support this advocacy agenda.

Common aspects of violence against women

Women live in highly militarized and "securitized" environments, which has a direct impact on their physical and psychological integrity, and on the exercise of their rights. They have been forced or are under duress to face checkpoints, the presence of military camps or detachments, raids by the army and public and private security forces, harassment by various armed actors, etc. on a daily basis. Their interpersonal environments are marked by widespread violence and insecurity, the exaltation of increasingly repressive and privatized militarist values and security policies. The Beijing Declaration and Platform for Action by the Fourth World Conference on Women (1995) already made explicit reference to the relationship between militarism and the violation of women's rights and the negative impacts of military spending and arms production and trade. Far from having taken action at the international level, military spending (effectives, armament...) and militarization have increased, while resources for strengthening the women's movement and for the objective of eradicating violence have been progressively marginalized. This trend is particularly disturbing, especially if one considers that a considerable part of the responsibility for women's human rights violations is attributable to the States, either within the framework of armed conflict or because States pursue repressive and occupation policies.

Violence against women occurs with systematic, large-scale planning. It is a kind of violence that seeks to cause both direct harm to women and maximum community, social and group disintegration, and thereby a considerable collective impact. Likewise, it is violence that is not only mediated by sexism, but also by classism and racism, which is perceptible in the fact that the most affected women by serious human rights violations have been and continue to be the impoverished, the peasants, indigenous women and / or those belonging to minoritized ethnic groups. Such violence is structurally rooted as well as rooted in history. In all

cases it precedes and succeeds actual armed conflict. It occurs continuously and is expressed in the most flagrant manner in the form of feminicide, but also in slavery, trafficking, exploitation, dispossession, discrimination and colonization and expropriation of women's lives, bodies and territories.

Direct violence against women in armed conflicts and repressive regimes leave deep physical, psychological and social consequences for women survivors. These sequels tend to become chronic, especially if there is no immediate and medium/long term medical and psychosocial care, and no family and social environment support. Mention should also be made of the strong immediate and medium-to-long term impact of sexual violence, which -although it also affects men- is one of the tools of patriarchal control used against women in the vast majority of cases. In addition to this, its social consequences can be particularly severe, depending on the strength of the stigma attached to this type of violence, which almost always entails blaming and stigmatising the very women who are the victims thereof.

Together with direct violence, in armed conflicts and in repressive environments, women have their economic, social and cultural rights violated, all of which has strong negative impacts on their opportunities in the fields of education, health, housing, work and livelihood, etc. Such impacts also tend to become chronic and to imply a severe precarization of their material and social life conditions.

Common aspects on the political action of women against impunity

All around the world women are collectively developing actions to oppose crimes committed against them, to defend their political, economic and social rights, and to move towards an agenda of transitional justice that is inclusive. One finding is that no headway can be made in this area if there is no collective and organized effort by women themselves to make it happen. The transitional justice measures implemented so far in the respective countries, especially measures of an official, local or international nature, are not substantiated in analyses that include a gender perspective. In this regard, women have been made aware of the strategic importance of setting up organizations that are autonomous, either with respect to political parties or reference to social organizations. This has been a crucial decision in terms of progress in women's political and social demands. In many ways, this has

enabled organized women to carry out “the revolution within the revolution” and assert themselves as political subjects in their own terms.

Women’s movements in their struggle against impunity develop strategies and initiatives related to all axes of action that are characteristic of transitional justice, i.e. the investigation of the facts, the course of justice, the search for forms of recognition and compensation to help women to positively transform their lives, and political and social impact to prevent the recurrence of violence.

Key elements to be able to make headway in this agenda are research and working in depth on the meanings of justice and reparation from the perspective of women who have been victims and survivors of violence. For some women, that the culprits are revealed, that they are prosecuted and punished is, in itself, a form of reparation, at least to a certain degree. This is the reason why certain feminist-related actions are directed towards criminal prosecution and legal accompaniment of women who manage to report violence.

Together with these measures, feminist actions that focus their attention not only on punishing the guilty, but also on the individual, community and social rehabilitation of women survivors are also important because of the need to create mechanisms that are complementary to the ordinary courts that can completely reverse or repair the damage caused by violence. This is where restorative justice actions come in, focusing attention on the women themselves. It is these very women who decide what, how, when, with whom, and how far processes should be carried out, etc. These are decisions in which factors of class, ethnicity, age and others may be decisive in how justice and reparation are conceived, and the type of claims that women articulate on the matter.

In the field of feminist accompanying measures for survivors of violence, forms of resistance and recovery are of a markedly collective nature, that is, very much based on a group and community approach and in solidarity networks among women. Such mutual support is a key factor in promoting the transformation of their lives, their healing, their personal and collective empowerment, their esteem and their consideration and social position. Psychological and social support among women also follows a process logic and endeavours to respect the times and the ways chosen to speak by those who have survived situations of an extremely traumatizing violence. This usually takes place within the framework of meeting spaces that offer an environment of listening and trust building, devoid of moral judgments, while promoting the recovery and dignity of women.

Finally, as part of the transitional justice agenda, women attribute importance to the recovery of their own collective memory of violent conflict. This is a memory that is built from below, from the periphery of history, from the need to have women recognize themselves in a common identity and to value their political, social, economic and cultural contributions, both for the negotiated settlement of disputes and for the rebuilding of what was destroyed by violence. In addition, it is a memory turned into a political tool, with which to make justice and compensate these women. This tool not only challenges political and legal impunity for violence against women, but also the patriarchal impunity that protects such violence.

Proposals for an agenda of inclusive transitional justice

We classify these proposals according to their suitability in terms of the axes of truth, justice, reparation and guarantees of non-repetition, although many of them relate to more than one of such axes. At the same time, we understand that the proposals, formulated in a generic way, question and can be assumed by different social and political agents, each one in its acting context (institutions, social movements, academia, etc.).

The Right to Truth

- Promotion, provision of adequate means and dissemination of research initiatives on women in contexts of political and armed violence, addressing both the violations of their human rights and their social and political activism in various fields. Such initiatives must contemplate women's heterogeneity in relation to their roles and forms of participation in political and armed conflicts, as well as in relation to various identity factors, such as origin, ethnicity, language, etc.
- Development and systematic inclusion of tools for collecting information that is disaggregated by sex and which include gender analysis in all initiatives to know the truth about acts of collective violence, the context thereof and its impacts.
- Support for the creation and social legitimation of truth commissions focused on the investigation of women's human rights violations.
- Support for the creation of autonomous spaces and processes that allow

women to bring out women's truth on the violations of their human rights, on the diversity of the impacts suffered (physical, psychosocial, emotional, affective, family, economic impacts, etc.) and their mechanisms, as well as proposals for the improvement and recovery after violence.

The Right to Justice

- Support for all kinds of initiatives, including training ones, to reverse the androcentric logic and the patriarchal bias in the application of laws within the framework of International Humanitarian Law and International Human Rights Law.
- Promotion of a change in legal proceedings as these are permeated by gender inequalities and impact negatively on women causing their re-victimization: the permanent questioning of the credibility of the women's testimonies, the need for proof requirements that are very often impossible to meet, and the lack of protection of women complainants and witnesses against the perpetrators are all particularly serious deficiencies that need to be addressed.
- Promotion of legal responses to women's human rights violations commensurate with the magnitude and severity thereof. This includes supporting initiatives of juridical/legal advice and accompaniment for women survivors of violence in the complaint processes and in the follow-up of the cases.
- Support for alternative restorative justice mechanisms aimed at rehabilitating women victims of violence at the local-community, state-national and international levels. This means recognising the existence of different conceptions and practices of justice, not all of which respond to the western logic.

Right to reparation

- Development and implementation of comprehensive reparation plans based on gender analysis taking into account the material and social conditions of inequality that affect women and can condition their access to reparation.
- Proper, quality and sustained care over time, for women survivors of violence, in order to ensure their physical, psychological, social and economic recovery.

- On the basis of human rights interdependence and indivisibility, restitution to women survivors of economic, employment, educational and cultural opportunities they had been denied because of the violence, so they can return to their vital projects inasmuch as possible.
- Promotion of actions for the institutional and social recognition of women victims of violence, as part of the responsibility of the State and the citizenship.

Guarantees of non-repetition

- Support for initiatives for the demilitarization of societies, to the extent that militarization and extension of militarist values entail a strengthening of the most traditional and hierarchical gender roles and are directly related to the increase in violence against women.
- To encourage public policies of reconstruction, peace, coexistence, memory and victim reparation policies, aimed at reversing the economic, political, social and cultural bases that support discrimination and violence against women. This means strengthening the links between peace policies and equality policies.
- Promotion of women's historical memory recovery processes, starting with those experiences that took place at the local level, that contribute to both documenting and demanding justice for human rights violations perpetrated against them, and that evaluate and promote participation and the social and political role of women. This includes the setting up of places of tangible and intangible memory, which are no longer supposedly gender neutral and that explicitly dignify women victims and survivors of violence.
- To encourage educational initiatives for social transformation from a critical framework, re-adopting and deepening the concepts of peace and violence in all their dimensions, breaking with the current *statu quo* in the power relations between women and men, and contributing to an intergenerational transmission of a memory more just with women.
- Legitimation and support for feminist and women's movements -while respecting their autonomy- in their struggle against legal, political and patriarchal impunity. This includes the contribution to the analysis and awareness of the links between political and armed violence against women and other forms of violence against women, including femicide, as well as

the promotion of feminist networks and platforms defending women's rights.

- Strengthening horizontal feminist and internationalist solidarity bonds, based on mutual contributions and on the setting up of confluence spaces for women of all kinds who, because of political and armed violence, have been construed as the “enemy”.
- Reinforcing alliances with men's collectives active in the political practice against sexist violence, from the assumption of their responsibility in the transformation of patriarchal structures.