ENGENDERING TRUTH: PROSPECTS FOR TRUTH COMMISSION POLICY IN ADDRESSING GENDERED VIOLENCE

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INTRODUCTION

Transitional justice is a growing field in political science, and within it the study of truth commissions specifically. Yet the question of how to effectively hear the truths of the past and transition a society into a more just future still eludes us much of the time. The question becomes even more complicated when we consider who these transitions are for, and how they can have vastly different outcomes for different groups of people. In this thesis, I will study women as a group of people with particular experiences and socializations, who therefore have particular needs in transitional justice processes, and in truth commissions specifically. Women are one among many often-understudied groups in political science, and I intend this thesis to be a contribution towards rectifying that imbalance both in the larger field of political science, as well as more specifically the fields of transitional justice, truth commissions, and post-conflict scholarship. As we will come to understand, these fields have historically failed to take women and their experiences fully into account, and there is much work to be done in addressing these issues.

I came to this work through hearing and reading over and over again that transitional justice processes, and truth commissions specifically, had and were continuing to ‘fail women’. Aspects of how truth commissions were established, how they operated, and what they produced failed to address women’s experiences of gendered violence during conflicts. These women connected this conceptually with their continued experiences of gendered violence in the present. This was, of course, incongruous with the notions of truth commissions as processes designated expressly to address past harms and prevent their reoccurrence going forward. My reaction to

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1 Most explicitly, this was something I read from South African women who had lived through apartheid and then the subsequent Truth and Reconciliation Commission (TRC) in that country, and who said directly that “the TRC failed us as women” (Seidman and Bonasa 2011).
this conundrum led to my original research question: since truth commissions are failing women, how can we design a truth commission that produces better outcomes for women? In the process of exploring this question, I have come to believe that no truth commission – however sensitive to women in its setup, operations, and outputs – can ever completely succeed in eliminating the kinds of violence that women experience in society. Nonetheless, I argue that the process of a truth commission is important – for the sake of those participating, as a symbol to the rest of society, and for the potential it offers to hold the state accountable in the future – and for these reasons I decided to narrow my research question: **how can we design a truth commission that is itself gender-sensitive?** By gender-sensitivity, I mean the acknowledgement and sensitive treatment of the particular experience of gendered violence, especially violence against women, as well as the attempt to address specific needs of women.

In answering this question, I ground my research in theory about how women are conceptualized, and ignored, in discourses of conflict and transition. Ultimately, however, I orient myself towards policy, drawing from existing cases to understand what does and does not work, in practice, when attempting to create gender-sensitive truth commissions. In particular, I have sought to understand how truth commissions can produce reports that are gender-sensitive in both their findings and recommendations, as well as how these commissions can operate as gender-sensitive processes for women who participate in them. I have selected these two focal points of process and output (report) because they offer concrete, practical areas for policy development. Such development will never be complete. Policy can always be improved, and new approaches crafted. My answers to my research question will therefore provide one piece of an ever-evolving project to create more gender-sensitive truth commissions, and more gender-sensitive transitional justice processes in general.
Methods

In this thesis, I seek to be both inductive and deductive in my research, as well as practical and policy-oriented. In answering my research question, I begin by compiling a data set of truth commissions in order to gain a sense of the breadth of the field. In reading reports of those commissions, I identify an emerging pattern of variance across the findings and recommendations of the reports, regarding their attention to issues of gender and to women in particular. This part of the research is thus more inductively oriented. I then select a subset of three cases from the larger pool, and explore the elements in each case that contributed to the gender-sensitivity (or lack thereof) that I observed in their findings and recommendations, as well as elements that contributed to a more gender-sensitive process itself. This part of the research is more deductive. I then use the understanding of what contributes to more gender-sensitive findings and recommendations, and process, to produce a set of policy principles that truth commissions should adhere to in pursuing gender-sensitivity.

My research uses a combination of primary and secondary sources. My primary sources are mostly official truth commission documentation, and form the basis of the more inductive part of my thesis, while my secondary sources range from scholarly texts to policy reports commissioned by institutions such as the World Bank or the International Center for Transitional Justice (ICTJ). These form the basis for the more deductive parts of my thesis.

Outline of the thesis

In my first chapter, I review literature on a number of aspects of my research question. First, I explore ways in which women and gendered violence are understood in political science, and how this contributes to a fundamental mislabeling of situations as ‘post-conflict’. I then locate transitional justice in the discourses around gendered violence, and how it is (and is not)
addressed. Finally, I turn specifically to truth commissions, outlining what they are and what they aim to do, as well as some of the broader understandings around truth commission policy as it relates to women.

In my second chapter, I seek to develop an understanding of the broader universe of truth commissions that have taken place, and to select three cases from this larger set, in order to examine these in greater detail. Specifically, I compile a data set of truth commissions that have occurred since 1996 and then categorize these commissions based on the gender-sensitivity of their reports’ findings and recommendations. Finally, I select one case from each of three categories – one that is entirely not gender-sensitive (Ghana), one that is partially gender-sensitive (South Africa), and one that is overall gender-sensitive (Sierra Leone) – for a deeper analysis.

In the third chapter, I undertake this in-depth analysis of the truth commissions in Ghana, South Africa, and Sierra Leone, the three cases selected in the previous chapter. This analysis attempts to understand what aspects of each of these commissions’ operations contributed to the different levels of gender-sensitivity displayed in their reports, as well as noting features that provided women with a safer, more positive experience of the truth commission process itself.

In the fourth chapter, I develop two sets of policy principles for creating gender-sensitive truth commissions, centered around the lessons learned from the case analysis in the previous chapter. The first set is focused on designing truth commissions that produce gender-sensitive findings and recommendations in their reports. The second set is focused on designing truth commissions that are gender-sensitive in their process. These policy principles are grounded in my case analyses, but my discussion of them at times incorporates additional policy ideas drawn from other researchers’ work. Ultimately, this chapter offers a set of ‘answers’ to my research
question of how to design a truth commission that is gender-sensitive, though not a complete
template for designing a truth commission in general.

In my concluding chapter, I return to something I mentioned in the very beginning, about
the limited ability of truth commissions to effect significant change in the societies they operate
in, including in terms of eliminating gendered violence and discrimination. In relation to this
question, I explore some of the inherent limitations of truth commissions and therefore the need
to pair them with other transitional justice mechanisms, as well as some of the possibilities they
do offer women. Finally, I summarize my argument and conclude with a view to future research
prospects in the field.
CHAPTER 1: LITERATURE REVIEW

This review of the literature surrounding my topic begins with concepts of gender, and specifically of women, in political science. I set out a problematic in which violence experienced by women is negated or inadequately addressed in a variety of contexts, including in transitional justice processes, of which truth commissions are one example. I then explore some of the literature around truth commissions themselves – their history, their goals, and policy-oriented discourses about their relation to gender and gendered violence.

The study of gender in political science

Gendered analysis

Throughout my thesis, I undertake a gendered analysis of the topics I consider. As a challenge to some of the dominant ways of approaching the study and consideration of political science, a ‘gendered lens’ or ‘gendered analysis’ is one way in which to center gender, and women, within the discipline. It is important to note that ‘gender’ does not refer only to issues involving women, though it is often used as a euphemism in this way (Charlesworth 2008, 359). In particular, “[r]eading gender to be essentially about women does not capture the relational nature of gender, the role of power relations, and the way that structures of subordination are reproduced” (Baden and Goetz, in Charlesworth 2008, 359). A gendered analysis therefore recognizes the role that gender norms play in shaping all lives, not only those of women, by creating expectations, constraints, and promoting violence against those who do not conform in every way to dominant narratives (Hawkesworth 2012). Gender also shapes the way violence is carried out, even against those who do conform to dominant narratives (Eriksson Baaz and Stern 2014). The gendered analyses I undertake in this thesis will specifically focus on how gender,
and at times its many intersections with other identities, shapes the lives of women especially in the area of transitional justice, and particularly truth commissions (Hawkesworth 2012).

One important aspect to note about this approach is its emphasis on the importance of intersectionality (Hawkesworth 2012). To categorize a group as ‘women’ is to suggest a unitary experience, but this is very much not the case. Women’s identities around the world diverge around race, class, ethnicity, religion, nationality, and a host of other identities (Hawkesworth 2012). Women are often painted as monolithic by observers, and women too can be guilty of this, such as when Western women scholars “colonize” the feminist discourse and assume a monolithic identity for women in the “third world”, as Chandra Mohanty (1991) describes. Aili Mari Tripp (2006) also notes the colonizing influence of Western feminists, pointing out that there is a presumption that progress toward gender equality has spread from the West to other parts of the world, when in fact there is no unitary direction to this phenomenon. As a white, Western, cis-woman2 approaching this thesis, it is therefore imperative that I actively seek to note and, if possible, address areas in which my experience and identities make others’ less noticeable to me, as well as being aware of my positionality as a colonizer within these discourses, and the assumptions that I am likely to carry with me.

Though the term ‘women’ frequently overgeneralizes experiences, it is also important to note that it is often used to refer only to cis-women, and thus to exclude – through erasure – the experiences of non-cis women. Conversely, the term is also frequently employed to describe people whose sex at birth is designated as ‘female’, without reference to the gender identities of those people, thus assuming a (false) correlation between biology and gender identity, and misgendering individuals who do not identify as women. My use of the term ‘women’ throughout

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2 ‘Cis-woman’ (a shortening of ‘cisgender woman’) refers to a woman whose gender identity (woman) corresponds with their body’s biological sex (designated at birth as ‘female’).
the thesis therefore seeks to refer to all who identify as women, but I recognize that the policy principles I suggest largely benefit cis-women. I use the term nonetheless, partly because this is how many of the women who I discuss identify themselves, and partly because I cannot claim to employ language precise enough to recognize the myriad other ways in which the term ‘women’ is a monolithic oversimplification.

The importance of considering women’s particular perspectives and experiences in the study of political science derives from the fact that the field has historically been men- and masculine-dominated both in its demographics, and in the content it has studied. In the West, argue V. Spike Peterson and Laura Parisi (1998), this is a result of the days of early state formation, in which women were relegated to the ‘private’ realm of the family in order to fulfil basic functions of reproduction, while men occupied the ‘public’ or ‘political’ sphere. Hawkesworth (2012, 36–37), drawing in particular from writings by Montesquieu and Rousseau corroborates this analysis, pointing out that more ‘modern’ Western states such as France and the United States were also philosophically founded upon ideas of women as mothers of future political actors, but never actors themselves. As a result, discourses about politics and rights are typically focused only on men (Hawkesworth 2012), which Peterson and Parisi (1998) argue is because ultimately, women are not considered full ‘humans’ in Western society.

**Violence**

Part of the work of this thesis is to critically deconstruct some of the terms used in the field of transitional justice, in particular those of ‘conflict’, ‘violence’, and ‘transition’. However, as Brandon Hamber (2016, 14) points out, “[o]ne of the challenges in presenting the arguments

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3 Though this phrasing presents women and men in a binary opposition, and indeed the social constructions that Peterson and Parisi discuss reify that binary, it is important to remember that this binary is false and that there is no ‘opposite of women’.
that follow is that the field of transitional justice and peacebuilding itself is fraught with false
distinctions and categorisations.” Echoing Hamber (2016), I also find myself needing to employ
definitions that, despite their shortcomings, are necessary in order to designate ideas relevant to
the topic. I will therefore begin by laying out these definitions uncritically, though I will
subsequently explore their limitations.

My definition of ‘conflict’ will be that of armed, violent conflict, which occurs on a scale
such that civilians also experience injury and/or death from it. This can include what we might
think of as war, but also oppression by a politically violent regime. By ‘violence’, I will refer to
both physical and structural violence, unless otherwise specified. Physical violence, in my
definition, includes bodily injury (both in domestic relationships and outside of them) and sexual
violence, and structural violence includes economic suffering and discrimination of all kinds. It
is important to note that these categories can overlap. For example, sexual violence can also be
an example of discrimination, particularly if used on a massive scale (Eriksson Baaz and Stern
2009). ‘Peace’, understood as the opposite of violence, then encompasses both “negative peace”
(the absence of physical violence) and “positive peace” (the absence of structural violence)
(Galtung, quoted in Andrieu 2010, 539).

With this understanding of violence in mind, it is pertinent to consider what we mean by
the term ‘gendered violence’ specifically. Gendered violence is violence produced by gendered
expectations and norms, and/or shaped by these expectations and norms, and/or seeks to reassert
or entrench such expectations and norms. For instance, violence can be produced by gendered
norms if it seeks to reassert or entrench such norms. An example of this is domestic violence by
husbands against wives, in the aftermath of a conflict. This violence is hypothesized to at least
partially result from the fact that during a conflict, wives may gain greater independence since
their husbands are away fighting, and when those husbands return, they thus feel a need to reassert their masculinity through violent control (Atashi 2015). The violence is thus an entrenchment both of norms of femininity as submissive and passive, but also of norms of masculinity as dominant and physically powerful. Violence can also be shaped by constructions of gender – for instance, in the way that women are more likely to experience economic violence because there are more barriers to their participation in labor markets (Ní Aoláin, Haynes, and Cahn 2011, 33), or in the way that men are more likely to be recruited to fight in armed conflicts because of the perception that it is men’s role to protect a nation or a state (Eriksson Baaz and Stern 2009). Gendered violence is thus extremely complex. For the purposes of this thesis, though, my primary focus is on gendered violence that is targeted at women, or that women experience in specific ways because of their gender.

With a basis of terms from which to draw on, we can now begin to question some of the ideas underlying how violence, peace, and gender are understood in political science. In particular, in line with the public/private distinction that Peterson and Parisi (1998) describe, conceptions of violence in political science often focus exclusively on violence in the public (political) sphere. As a result, they tend to exclude or overlook violence that occurs in the ‘private’ sphere of the household or of intimate relationships. Wendy Lambourne and Vivianna Rodriguez Carreon (2016), Rosemary Nagy (2008), Tina Sideris (2002), and Fionnuala Ní Aoláin (2009) all term this public/private division of violence as ‘extraordinary’/‘ordinary’ violence. Extraordinary violence is what occurs for anyone – though especially men – “in the mass violence context” (Lambourne and Rodriguez Carreon 2016, 86), while ordinary violence is “the private or intimate violence that women experience in a militarised, unequal society” (Nagy 2008, 286). As Ní Aoláin (2009) points out, ‘ordinary’ violence is rarely noted or named,
and therefore unlikely to be addressed. Isaac Kfir (2012) goes further to say that states use the idea of the ‘private’/‘public’ distinction to avoid taking legislative action to address ‘ordinary’ violence. Kfir (2012, 82) explains that if something is considered ‘private’, then states can claim that it is an area which should not be legislated in. This reasoning is then applied selectively to avoid legislating in ways that would diminish men’s control of the ‘private’ sphere (Kfir 2012, 82–83).

**Transitional justice**

Transitional justice is located in the ‘transition’ from violence to peace, conflict to post-conflict. Former Secretary-General of the United Nations (UN) Kofi Annan (2004, 4) defines transitional justice as “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.” Transitional justice is thus both past- and future-oriented in that it seeks to address past violence move towards a future peace. But given what we have just discussed, about how violence is conceptualized in relation to women, we must question whether the concept of a ‘transition’ can continue to function when considered from a gendered perspective. To further explore this issue, let us consider how women experience the times we call ‘conflict’ and ‘post-conflict’, and how this impacts our understanding of a ‘transition’ between them.

**Women’s experiences during conflict**

In order to understand how women are affected by transitional justice, it is first necessary to have a foundational conception of the particular ways women experience the conflicts that such processes seek to address. It is important to remember that women are not only civilian victims or bystanders in violent conflicts, but also combatants. As combatants, women
experience many of the same effects of participating in conflict that are traditionally thought of and ascribed to men in these situations, such as physical injury or post-traumatic stress disorder (Jones 2010). Women combatants also frequently experience sexual violence from other combatants, as well as sometimes becoming pregnant from such violence (McKay 2005).

Women non-combatants too experience particular, gendered forms of violence during conflict. Women civilians are disproportionately displaced by conflict (UN Security Council 2000), as well as being targets of rape and other forms of sexual violence on a mass level (Romanova and Sewell 2011). According to Eriksson Baaz and Stern (2009, 500), sexual violence used on a mass level during a conflict is gendered in that it is intended to humiliate (feminize) enemy men by sullying “his” women/nation/homeland, and proving him to be an inadequate protector (e.g., Enloe 2000; Goldstein 2001; Stern and Nystrand 2006; Yuval-Davis 1997). Rape of “enemy” women aims at destroying the very fabric of society, as women often are cast as the symbolic bearers of ethno/national identity through their roles as biological cultural, and social reproducers of the community (e.g., Enloe 2000; Goldstein 2001; Stern and Nystrand 2006; Yuval-Davis 1997).

One point to note here is the evolving history of understandings of sexual violence as a gendered tool of conflicts. Karen Engle (2018) describes how at the 1993 World Conference on Human Rights in Vienna, feminists from the global North and South found few issues around which they could reasonably unify. The need to eliminate sexual violence as a weapon in conflict emerged as a point of consensus, and has been a far more significant part of transnational feminist discourses since (Engle 2018). Interestingly, Engle (2018, 134) emphasizes that the narrative around addressing this problem has largely centered on criminalization and prosecution – retributive forms of justice – due to “an unspoken (and always unproved) assumption that deterrence will result from bringing the perpetrators to justice.” As I will explore later in the
thesis, truth commissions are a largely *restorative* form of justice, and therefore it is interesting to see how they provide a different script for addressing (or not addressing) sexual violence.

**Women’s experiences post-conflict**

The term ‘post-conflict’ has many implications. If we use the definition of conflict I gave earlier, it simply implies a time after such conflict has ended. Yet intuitively, many of us think of ‘post-conflict’ as a time of ‘peace’, in which there was a violent past but now exists a distinct, peaceful present (Jones 2010, 8). Unfortunately, for women especially, this is often not the reality. A number of scholars have thus questioned the labelling of ‘post-conflict’ societies as such (see, for example, Atashi 2015; Cosgrove 2016), since many women experience violence – especially gendered violence – in post-conflict situations similarly to how they do in conflict situations (Durbach 2016, 371). Here, I will briefly touch on two categories of violent experiences that women regularly face in so-called ‘post-conflict’ situations: sexual and domestic violence, and structural violence.

In contrast to what we might expect in a post-conflict situation, “[s]exual violence and gender-based violence grow even as the fighting lessens” (Cosgrove 2016, 162). For example, Durbach (2016, 371) asserts that rates of sexual violence against women have “sustained, and arguably increased [citing Amanda Gouws], in post-apartheid South Africa”. Jones (2010) hypothesizes that one reason for high rates of violence against women in post-conflict societies is that men returning from fighting may enact violence towards their spouses as a result of trauma endured during the conflict, while Atashi (2015) notes that if the end of the conflict results in the imposition of new cultural norms of greater gender equality, violence against women may be a backlash in resistance to this. Anu Pillay (2002) posits that the use of violent means to end the conflict in the first place contributes to the legitimization of the use of violence
by men in their homes later on. For all of these reasons, it is clear that women do not experience even Galtung’s (1996) “negative peace” in the post-conflict context.

Women in post-conflict societies not only experience physical violence, however. Structural violences such as poverty (Mukantabana, quoted in Uwineza and Brown 2011, 151) and sexism are also ever-present. For instance, Cosgrove (2016) and Jones (2010) both describe how unmarried women who become pregnant are often shunned by their families and communities, as well as being ignored by the state, including when the pregnancies are a result of rape during a conflict (McKay 2005). As Kiri Gurd and Rashida Manjoo (2010, 76) put it, “the distinction between war and peace is often superficial for those who are continually marginalized within a society, that is, structural violence, or systemic oppression, creates a situation of perpetual war for the disenfranchised.” Ní Aoláin, Cahn, and Haynes (2011, 33) also describe structural violence in economic terms, where women are disproportionately excluded from formal labor markets and thus have less ability to accumulate financial resources. Additionally, economic oppression connects to other forms of violence, such as sexual and domestic violence, in the way that women are often economically dependent upon their husbands, and thus may be less likely to leave violent relationships due to their lack of financial independence (Cusack and Manuh 2009, 230).

Problematizing transitional justice for women

What we learn from this exploration of women’s experiences during and after conflict is that gendered violence is a continuous presence in women’s lives across these time periods. Indeed, a number of authors label this continued experience of violence between ‘conflict’ and ‘post-conflict’ as the “continuum of violence” (see, for instance, Stanley 2001, 540; Ibeanu 2001, 192; Cockburn 2004; Ní Aoláin and Turner 2007, 239; Scanlon and Muddell 2009; Gyimah...
Durbach (2016, 369) offers a concrete example of this continuum in the case of South Africa, noting that current rates of violence against women are extremely high, and have been since apartheid. She then goes the additional step of arguing that this continued experience of violence is in part a result of the failure of South Africa’s transitional justice process to fully address the gendered violence that women experienced during apartheid, thus entrenching a culture of such violence since (Durbach 2016). This is a connection that Fiona Ross (2010) also hypothesizes.

Naturally, this seem counterintuitive. Not only should transitional justice processes prevent the reoccurrence of violence (including gendered violence) that took place during a conflict, they are also discussed in the literature as a time of opportunity for significant change even beyond addressing what happened during the conflict (for example, see Borer, cited in Dal Secco 2008, 66; Public International Law and Policy Group [PILPG] 2013, i). Moreover, Tripp (2015) points to post-conflict periods as times when women’s representation in politics can increase dramatically, thus supporting the idea that the transition away from a conflict can be a time of great progress for women. But this is not what we are seeing in terms of the ordinary, gendered violence that so many women experience daily.

The fact that so much of society – and the field of political science – term ‘post-conflict’ situations as such, or even as ‘peace’, is evidence of the lack of recognition or attentiveness to the ‘ordinary’ violence that women face every day. And the fact that we do not recognize this violence as worthy of attention allows us to say that a transition took place from conflict to post-conflict, when in fact all that happened was that the ‘extraordinary’, ‘public’ violence of the conflict period was relegated to the ‘ordinary’, ‘private’ sphere of the post-conflict period. This is the transitional space in which women find themselves: unaddressed by the transitional justice
mechanisms in place in their societies. I will be focusing on truth commissions as one type of transitional justice mechanism, and seeking to understand what they can and cannot do for women in this transitional context. I will now shift to exploring truth commissions and their gendered histories, to gain a more complete picture of the field.

**Truth commissions**

**What is a truth commission?**

A truth commission is generally a non-governmental body set up in a transitional period to address major experiences of violence in a society. It is however, difficult to define precisely. Indeed, Priscilla Hayner (2011), one of the leading scholars in the field and a consultant to a number of truth commissions around the world, notes how difficult it is to pin down exactly what makes something a truth commission. She proposes one set of criteria:

A truth commission (1) is focused on past, rather than ongoing, events; (2) investigates a pattern of events that took place over a period of time [as opposed to a single incident]; (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with a final report; and (5) is officially authorized or empowered by the state under review. (Hayner 2011, 11–12)

This definition draws on one she had established previously (Hayner 2001, 14), but with the addition of the third criterion. Geoff Dancy, Hunjoon Kim, and Eric Wiebelhaus-Brahm (2010, 49) propose a similar definition, but add that a truth commission possesses powers of investigation.

Vasuki Nesiah’s (2006, 1) definition focuses more on the functioning of the commission itself, describing truth commissions as bodies that synthesize findings about what happened, as well as making recommendations for the future. Ni Aoláin and Turner (2007, 247), on the other hand, understand truth commissions for what they do not do: truth commissions are not trials, and instead of focusing on individual perpetrators of harm, they focus on the collective of those
who experienced harm. All in all, it is clear there are many ways to understand what a truth commission is, and no one definition is complete.

For the purposes of this thesis, it is useful to draw out a few of these points in more detail. When Hayner (2011) refers to a truth commission being “officially authorized”, she means that the commission is created through a legal mandate, written and passed by a government body, that establishes it as an entity. Mandates also direct the commission as to its tasks, and are one of the features of truth commissions that I examine in more detail in future chapters. I also wish to point to Nesiah’s findings and recommendations. These are the two major components of truth commission reports: the first summarizes the ‘truth’ of what happened during the conflict under review, and the second makes suggestions to the state – and sometimes other institutions in society – regarding steps to help the society move forward, of course, with the aim of avoiding a return to past violence. Findings and recommendations are the primary measure by which I measure the gender-sensitivity of truth commissions in this thesis, and they are thus a central unit of analysis that I will explore more in later chapters.

**History of truth commissions**

Hayner (2011, 10), identifies the first ‘truth commission’ as Argentina’s National Commission on the Disappeared, created in 1983, though she notes that this was before the term ‘truth commission’ even existed. The term itself came into use in the 1990s, specifically around the time of truth commissions in Chile and El Salvador (Hayner 2011, 10). As David Forsythe explains (in Forsythe et al. 2011, 554), the 1980s and 1990s created a space for the innovation of truth commissions with the fall of a number of violent, repressive regimes in Latin America, followed by the end of the Cold War in Eastern Europe. Rosalind Shaw (2005, 2) argues that this was an appropriate context in which to use truth-seeking as a transitional justice mechanism,
where it could be a “tool used against covert, state-sponsored crimes to reveal clandestine violence, to establish the accountability of political and military leaders, and to publicly acknowledge the previously silenced stories of victims.”

Shaw (2005) goes on to argue that other contexts are less suitable for truth commissions, though they have been used in those contexts nonetheless. One notable context in which truth commissions have been used outside of Latin America is Africa, where they have been particularly common since the South African Truth and Reconciliation Commission, set up in 1995 (Carla De Ycaza and William Schabas, in Forsythe et al. 2011). De Ycaza and Schabas (in Forsythe et al. 2011, 568) suggest that African truth commissions display more of a restorative justice bent than commissions in other regions, as a result of the African philosophy of ubuntu, which emphasizes shared humanity and harmony. This was particularly evident in the South African case, the first truth commission to offer conditional amnesty to perpetrators of violence in exchange for their testimonies (Jaynes 2013). South Africa was also innovative as the first truth commission to hold public hearings (De Ycaza and Schabas, in Forsythe et al. 2011, 564), a feature that is now ubiquitous in the field.

Goals

There is little consistency among scholars as to the exact goals of a truth commission. For instance, Lydian Kemunto Bosire (2006, 78–79) writes that truth commissions “attempt to fulfill victims’ right to truth and give the community as complete a version of history as possible […] Beyond acknowledging victims, truth commissions can help identify perpetrators, establish an accurate account of history, and recommend reparations, institutional reform, and prosecutions.” Hayner (2011, 20), on the other hand, describes the goals of truth commissions as providing knowledge and acknowledgement of the events of the past, helping those who experienced
harm, holding perpetrators accountable, recommending changes for society, and offering the possibility of reconciliation. Though these sets of goals overlap, they are evidently not identical. In fact, I contend that truth commissions need not have an exclusive set of goals, but rather should adapt themselves to the society in which they operate. However, in the interest of developing a more complete understanding of the field of truth commissions, I will explore in more depth three goals that are common across these processes: seeking to establish some form of ‘truth’; seeking to offer healing and reconciliation; and seeking to hold those who perpetrated harms accountable. I will also critique aspects of these goals in their relation to gender and women.

As their name suggests, truth commissions have an inherent preoccupation with the truth. ‘Truth’ can mean many things, however. Here, I will discuss it both as a personal, individual understanding of what is true, as well as a collective or political objective. From a personal perspective, establishing a sense of ‘truth’ in the aftermath of a conflict can be important in achieving a sense of closure (Sooka 2006, 319). Aryeh Neier (1999) notes that individuals often have a need to know the truth about what happened to loved ones. Hayner (1994, 611) identifies this need for knowledge as part of a “right to truth”, a phrasing Bosire (2006, 78) also uses. From a gendered perspective, this aspect of truth can be particularly important for women, who are often survivors of conflicts in which they have lost (male) loved ones (Lambourne and Rodriguez Carreon 2016, 78–79). However, the ‘right to truth’ must be both a right to know the truth about what happened to others, but also to tell one’s own truth (Daye 2004). Here is where truth commissions begin to falter, in a gendered analysis. Lambourne and Rodriguez Carreon (2016) point out that women are frequently reluctant to tell their own truths in these processes. This can be due to “shame and fear” about what they have experienced, but also a sense that
what has happened to others (men, especially) is somehow more important (Lambourne and Rodriguez Carreon 2016, 80). Truth commissions can therefore go some way towards meeting individuals’ needs for truth, but continue to exclude women from aspects of this goal.

On a broader level, truth commissions pursue the establishment of ‘truth’ as it relates to an official narrative of events, in order to “produce an authoritative record of the truth conceived broadly” (DeLaet 2006, 153). Phil Clark (2010, 35) calls this “truth-shaping”, and explains that it may show up in the way the findings of a truth commission become the basis for historical knowledge. The pursuit of truth on this broader, political level is backward looking in that it is concerned with the events of the past. However, it can also contribute to preventing future atrocities, by ensuring that the facts of the past are known (Porter 2015). As Ni Aoláin and Turner (2007, 230) put it, “truth is then poised on the precipice of past and future.” This political truth can also function as a form of state consolidation, allowing citizens to unify around a “shared narrative” (Lundy and McGovern 2008, 267). From a gendered perspective, we should be wary of this role of political truth, since states function as patriarchal entities that entrench the kinds of violence we have already explored in this chapter (Peterson and Parisi 1998, 140).

Part of the need for truth, whether it be personal or political, derives from the nature of the conflict itself: as Shaw (2005) alludes to above, conflicts in which individuals are disappeared, or where the conditions of their deaths are not known, naturally prompt the investigation of and establishment of a narrative of what really happened (Neier 1999). However, truth can also be important when there is no significant dispute over what happened, but rather over why (Gahima 2013). Truth is also intricately connected with the aims of healing and reconciliation, and accountability, which I explore next.
The pursuit of truth is often undertaken with the aim of helping those who experienced violence during the conflict to heal from it to some extent. Clark (2010) understands healing to comprise the reconstruction or recovery of wholeness within a person who has been traumatized. This connects to the goals around truth, since knowing what happened as well as having one’s story recognized and validated can be “therapeutic” (Jeong 2005, 171). DeLaet (2006, 170) also emphasizes healing as a goal, but argues that for women, truth commissions do not represent an effective environment for such healing to occur, because they are too focused on attaining ‘the truth’ as a “product”, rather than on hearing and validating women’s truths as a “process”. Instead, she suggests that more individualized and sustained approaches, such as psychological therapy, are more appropriate (DeLaet 2006).

Reconciliation, often understood as first requiring the establishment of truth (Daye 2004; Gibson 2006), is “the rebuilding of fractured individual and communal relationships after conflict, with a view toward encouraging meaningful interaction and cooperation between former antagonists” (Clark quoted in Gahima 2013, 8). Reconciliation thus operates, like truth, on both individual and collective levels. The vastness of such a goal means that there are many components to it. For example, Jeong (2005) suggests that for successful reconciliation to occur, the transitional justice processes in place must have a popular backing within the country, including from groups that were enemies during the conflict, and from the international community. Bloomfield and colleagues (quoted in Gahima 2013, 8) go a step further, proposing that a culture of democracy is also necessary, while Clark (quoted in Gahima 2013, 8) notes a number of structural conditions, such as economic growth and a strong civil society presence. Lyn Graybill (2002) suggests cultural factors such as religion may be at play, with reconciliation more likely if there is a religious or other cultural tradition that encourages reconciliatory
attitudes. Perhaps the restorative justice approach taken particularly by African truth commissions, which De Ycaza and Schabas (in Forsythe et al. 2011) connect to ubuntu, is an example of such a cultural factor operating, through its focus on “victim-centered reconciliation” (Jaynes 2013, 289). This is not to say, though, that restorative justice does not also aim to hold perpetrators accountable for their actions.

Indeed, accountability is another goal of truth commissions. Gahima (2013, 6) defines accountability as “determination and apportionment of the responsibility of individuals, organizations and states for past wrongs and of sanctions appropriate to such wrongs.” In truth commissions, where prosecution – a typical approach to accountability – is not an option, accountability must instead be achieved through more restorative means. In South Africa, for example, the Truth and Reconciliation Commission chose to approach accountability by offering amnesty to perpetrators who came forward and named themselves, thus becoming publicly known as such and having to “face up to the crimes of the past” (Villa-Vicencio and Cooper 2013, 449). Part of the rationale for this was that in a system of criminal prosecutions, many perpetrators would never be caught in the first place, and thus offering amnesty in exchange for confessions was more likely to achieve some accountability (Villa-Vicencio and Cooper 2013). Ultimately, however, few men applied for amnesty on the basis of gendered violence they had committed, and none applied for amnesty for rape, despite the widespread use of rape by men against women during apartheid (Borer 2009, 1178–79). The South African goal of public confession and accountability was thus far from successful with regard to gendered forms of violence.
Truth commissions and gendered impact

Unsurprisingly, truth commissions, like transitional justice as a whole, have historically failed to be sensitive to or effect change for women. Lambourne and Rodriguez Carreon (2016) critique truth-seeking processes in general as largely inaccessible to women due to a variety of structural oppressions, and point out that even when women do share stories in these processes, little typically happens afterwards to dismantle the structures of oppression that produced their experiences. Ní Aoláin and Turner (2007, 234) note the “persistent practice of truth commissions to ignore routine or ordinary violence experienced by women in their assessment of sexual and other harms”, while Dal Secco (2008) notes the problematic tendency of truth commissions, when they do attempt to be sensitive to women, to focus exclusively on narratives of victimhood, particularly through sexual violence. On a broader level, Gyimah (2009, 7) argues that human rights rhetoric used in relation to truth commissions conceals the fact that these commissions tend to reinforce the status quo of a society prior to the conflict, including patriarchal structures.

Many of the authors just cited thus belong to a school of thought which argues that truth commissions will never succeed in achieving ‘gender justice’, or a transformation of patriarchal gendered structures, in a society (see, for instance, Stanley 2001; Ibeanu 2001; Cockburn 2004; Ní Aoláin and Turner 2007; Valji 2007; Scanlon and Muddell 2009; Gyimah 2009; ICTJ 2010). Valji (2007, 6) perhaps best summarizes this point in relation to transitional justice more generally:

Much has been made in feminist literature of the importance of this post-war moment for transforming unequal power relations and furthering gender justice. However it has also been noted that this moment is fleeting; and few, if any, examples can be pointed to where the gains that were made during this period were successfully consolidated and manifested in sustained gender equality and a transformed society.
However, as Valji’s quote implies, there is a significant literature which views transitional justice, and truth commissions specifically, as an opportunity for change and progress in societies, even if such change has not yet materialized (Dal Secco 2008; Teale 2009; PILPG 2013; OHCHR 2014; Durbach 2016). For example, Dal Secco (2008, 66) writes that “transitional justice (TJ) mechanisms are now recognised as being essential to major political change”, while the OHCHR (2014, para. 29) specifically states that “[a]ddressing [gendered] violence within a truth commission can also lay the foundation for recommendations regarding institutional and legislative reform in order to address an entrenched culture of discrimination.” Ultimately, my research is focused more on the process of the truth commission itself, and less on the impact it does or does not have on society, and so I will not delve into this debate here. However, in my concluding chapter, I weigh in briefly on this conversation, largely agreeing with the first school of thought (that truth commissions do not reform societies), but also noting that these commissions can be valuable in other ways.

**Conclusion**

The failure of truth commissions, and transitional justice more broadly, to attend to the gendered experiences and needs of women is disappointing, though perhaps not unexpected. The entrenched gendered oppression in the ways that women experience conflict, as well as the questionable ‘peace’ afterwards, must be either too difficult or not important enough for truth commissions to adequately address. Perhaps, to borrow a phrase from Hayner (2011, 18), these experiences represent “still-dangerous truths”, ones that would challenge the patriarchal order of society and require a deeper restructuring of basic political systems. Such a restructuring has not happened, and truth commissions continue to ‘fail’ women in terms of effecting meaningful social change. However, these commissions do have the ability to be far more sensitive to these
women than they currently are. Throughout the remainder of this thesis, I will grapple with how truth commissions can achieve this greater gender-sensitivity, and return to issues of broader impact in my conclusions.
CHAPTER 2: COMPILING DATA

To delve more deeply into the question of how to create gender-sensitive truth commissions, in this chapter I outline a set of twenty-one truth commissions from 1996 to the present, with the goal of establishing a more complete picture of the field of modern truth commissions and their functioning. I then analyze the reports of each of these commissions through a gendered lens. In an inductive way, I thus identify the findings and recommendations contained in these truth commission reports as an area of differentiation between them, and an area of focus for my study. I then classify each commission into one of four categories based on the gender-sensitivity of these findings and recommendations. This classification finally serves as a basis for selecting cases (one from each category, with one exception), which I will analyse (deductively) in Chapter 3 to establish factors that contributed to the gender-sensitivity – or lack thereof – of their findings and recommendations, as well as their processes more generally.

Compiling a data set of truth commissions

The data in this set is drawn from three sources, to ensures a level of consistency while also aiming to incorporate a broader range of processes. The first source is the Transitional Justice Database Project, a database of transitional justice mechanisms from 1970 to 2007 compiled by Leigh A. Payne, Tricia D. Olsen, and Andrew G. Reiter (2011). This database draws its cases from Keesing’s Record of World Events, a resource which looks at news reports across the globe to create “summaries of world events” (Olsen, Payne, and Reiter 2010, 30). The second source is the Transitional Justice Research Collaborative headed by Payne, as well as another researcher, Kathryn Sikkink (Payne and Sikkink 2018). The second source is mostly an update of the first, with more recent cases, but also includes some additional older examples that the original Payne, Olsen, and Reiter (2011) database did not consider. Finally, the third source
is the United States Institute of Peace (USIP; 2011) Truth Commission Digital Collection. This source is institutional rather than academic and contains fewer examples than either of the others. I largely used this last source to confirm cases from the other two, although it also offered one additional case (South Korea’s 2005-2010 Truth and Reconciliation Commission).

**Criteria for inclusion in the data set**

The data are thus a compilation of commissions from the sources described above, with a number of specific parameters. Most importantly, each instance must be an example of a truth commission, as defined by Hayner (2011, 11–12) and mentioned in the previous chapter. Her definition includes the following criteria: past-focused; investigation of a series of events rather than a single incident; direct engagement with the people harmed; temporary existence and production of final report; and official state sanction. For the purposes of my research, I supplemented Hayner’s (2011) criteria with Nesiah’s (2006, 1) standard that a truth commission produces both findings and recommendations. The addition of this standard led to the exclusion of South Korea’s First Term National Committee for Investigation of the Truth about the Jeju April 3rd Event, which published a large number of findings but no recommendations (Hong et al. 2004). Another criterion I added, based on a USIP (2011) definition of truth commissions, is that a truth commission must be a “non-judicial bod[y]”. In addition to its presence in the USIP’s definition, I included this criterion partly due to my own interest in models of justice (particularly restorative justice) outside the standard criminal system. A case that I excluded as a result of this criterion is Lebanon’s International Independent Investigation Commission.

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4 In this chapter, I will use the term ‘exclusion’ to refer to instances that do not fit within the criteria I have selected to delineate what belongs in the table and what does not. ‘Exclusions’ are deliberate and are choices made in order to construct a more specific sample of cases so as to be able to better respond to my research question – they do not bias the sample, but rather serve to define what the parameters of the sample are. In contrast, I will later outline some ‘omissions’ that I made. These are cases that I was unable to include for practical reasons, despite them fitting within the criteria I chose. These ‘omissions’ do bias the sample since they remove otherwise-eligible cases from it based on patterns related to my practical abilities as a researcher.
Established Pursuant to Security Council Resolution 1595 (2005), which was set up in order to “assist the Lebanese authorities in their investigation” of a terrorism incident (Annan, quoted in Mehlis 2005, 1).

I also added a number of standards of my own making, including that the truth commission must be addressing a ‘conflict’ as I define it: *armed, violent conflict, which occurs on a scale such that civilians also experience injury and/or death from it*. Another standard I added was that the truth commission must be situated in a ‘post-conflict’ period. Acknowledging that the concept of conflict ‘ending’ is inherently flawed, I nonetheless wish to consider only those truth commissions that can be considered ‘transitional’ in the sense of being located in a period after a recognized conflict has concluded. I have therefore excluded the Zonal and All Island Commissions in Sri Lanka from 1998 to 2000, as the conflict in that country continued for many years after (Bajoria 2009).

One final criterion for inclusion in the table was that the truth commission must have started conducting hearings in or after 1996. I made this choice for a number of reasons. First, my personal interest in restorative justice meant that I was concerned with examining commissions that had more of a restorative approach. Jaynes (2013) and De Ycaza and Schabas (in Forsythe et al. 2011) point to the South African Truth and Reconciliation Commission (TRC), created in 1995 and with hearings beginning in 1996, as one of the first restorative justice-oriented truth commissions. The TRC has since been a model for modern truth commissions (De Ycaza and Scabas in Forsythe et al. 2011, 564; Dancy, Kim, and Wiebelhaus-Brahm 2010), and therefore truth commissions since 1996 can thus be understood to exist in a different policy space from those before. My decision to limit my cases to those after 1996 therefore helps me to focus on a more ‘recent’ and, hopefully, relevant type of truth commission.
In addition, Iris Berger (2016) points to the 1990s, particularly in Africa, as a decade in which women’s rights were especially in focus in political spheres. She identifies the 1993 UN World Conference on Human Rights in Vienna as the launching point of Charlotte Bunch’s idea of ‘women’s rights as human rights’, and the 1995 UN World Conference on Women in Beijing as a landmark event for its elevation of voices of women from the global South (Berger 2016, 153–54). Additionally, the transition to democracy in South Africa, which would ultimately lead to the TRC, was characterized by particular attention to women in terms of the new constitutional documents being written (Berger 2016, 152). The 1990s were thus, in general and in Africa particularly, a time of transnational progress in women’s rights. This context then provides a particularly interesting backdrop for exploring how gender-sensitivity was and was not present in the truth commissions I examine.

**Omissions from the table**

Beyond the definitions of ‘truth commission’, and the types of violence I am considering, certain instances of truth commissions were omitted from the table for practical reasons. I will briefly discuss these reasons, and particular aspects of bias that such omissions produce in my data. It is important to note that these ‘omissions’ are different from the ‘exclusions’ already discussed, as explained in footnote 4.

Since my research centers on truth commission reports, all cases for which a report is not available were omitted. This naturally includes commissions which never began their work or were never completed, but also commissions which failed to make their report public (or were prevented from doing so by a state). An example of a commission omitted for this reason is Lebanon’s Official Commission of Investigation into the Fate of the Abducted and Disappeared Persons in 2000, for which the state refused to publish more than a three-page summary of the
report (Payne and Sikkink 2018). Possible biases as a result of these omissions include disproportionately excluding commissions that operate under authoritarian regimes, since these regimes might be more likely to suppress the publication of reports that implicate the state in perpetrating violence, or more generally excluding commissions that operate in societies where public (or political) opinion is less in their favor. Such commissions would be less likely to complete their work in the first place given a more hostile environment.

A second reason for removing cases was if the report was not available in either French or English, the two languages in which I am fluent. The vast majority of truth commission reports I encountered were available in English, French, or Spanish. However, many Latin American commissions published reports only in Spanish, and this significantly limited the number of Latin American countries represented in my data. Specifically, I omitted seven Latin American countries, and was left with only two. No other commissions were omitted because of language. There is thus a significant regional bias in the data, with a vast underrepresentation of Latin American countries. The underrepresentation of Latin American cases is frustrating given the large number of truth commissions in that region, and because the regional character of Latin American commissions (often more retributive) in comparison with African commissions (often more restorative) skews the data (Forsythe et al. 2011). The exclusion of truth commissions before 1996 also disproportionately excludes Latin American cases, which are concentrated in earlier years (Olsen, Payne, and Reiter in Forsythe et al. 2011, 558).

**The data set**

Within the many constraints just discussed, the resulting table (*Figure 1*) lists twenty-one instances of truth commissions from 1996 to the present, including South Africa’s TRC. These represent nineteen separate countries in Africa, the Americas, Asia, and Oceania.
<table>
<thead>
<tr>
<th>Country</th>
<th>Name of truth commission</th>
<th>Years of operation</th>
<th>Type of conflict</th>
<th>Genders of commissioners</th>
<th>Gender-sensitive findings?</th>
<th>Gender-sensitive recommendations?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canada</td>
<td>Truth and Reconciliation Commission</td>
<td>2008</td>
<td>Abduction of generations of Aboriginal children</td>
<td>1 woman 2 men</td>
<td>No, though somewhat less applicable</td>
<td>Somewhat</td>
</tr>
<tr>
<td>Ghana</td>
<td>National Reconciliation Commission</td>
<td>2002-2004</td>
<td>Human rights violations 1957-1993, especially under military rule</td>
<td>3 women 6 men</td>
<td>Somewhat</td>
<td>No</td>
</tr>
<tr>
<td>Kenya</td>
<td>Truth, Justice and Reconciliation Commission</td>
<td>2009-2013</td>
<td>Human rights violations and injustices since independence 1963-2008</td>
<td>4 women 5 men</td>
<td>Yes, and acknowledges colonial linkages</td>
<td>Somewhat, but too vague</td>
</tr>
<tr>
<td>Lesotho</td>
<td>Leon Commission or the Commission of Inquiry into the 1998 Political Disturbances</td>
<td>2000-2001</td>
<td>Political unrest after 1998 election</td>
<td>3 men</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Mauritius</td>
<td>Truth and Justice Commission</td>
<td>2009-2011</td>
<td>Slavery, related violations, and structural violence since 1638</td>
<td>1 woman 4 men</td>
<td>Yes, and intersectional with race especially</td>
<td>No</td>
</tr>
<tr>
<td>Morocco</td>
<td>Equity and Reconciliation Commission (Instance Équité et Réconciliation, IER)</td>
<td>2004-2005</td>
<td>State violence and repression 1956-1999</td>
<td>1 woman 15 men</td>
<td>Yes, although some language seems sensationalist</td>
<td>Somewhat, but too vague</td>
</tr>
<tr>
<td>Peru</td>
<td>Truth and Reconciliation Commission (Comisión de la Verdad y Reconciliación, CVR)</td>
<td>2001-2004</td>
<td>Armed faction and state violence 1980-2000</td>
<td>2 women 10 men</td>
<td>Somewhat, and claims to take a gendered approach</td>
<td>No</td>
</tr>
<tr>
<td>Country</td>
<td>Commission</td>
<td>Years</td>
<td>Type of violence</td>
<td>Gender</td>
<td>Rape Reporting</td>
<td>Recommendations</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>-------------</td>
<td>----------------------------------------</td>
<td>---------</td>
<td>----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Truth and Reconciliation Commission</td>
<td>2002-2004</td>
<td>Civil war</td>
<td>3 women 4 men</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Solomon Islands</td>
<td>Solomon Islands Truth and Reconciliation Commission</td>
<td>2009-2012</td>
<td>Civil war 1998-2003</td>
<td>2 women 3 men</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>South Africa</td>
<td>Truth and Reconciliation Commission</td>
<td>1996 - 2002</td>
<td>Apartheid</td>
<td>3 women 6 men</td>
<td>Yes, although women’s own experiences often not heard</td>
<td>Somewhat, but too vague</td>
</tr>
<tr>
<td>South Korea</td>
<td>Presidential Truth Commission on Suspicious Deaths – First Term</td>
<td>2000-2002</td>
<td>Citizen deaths under dictatorial regimes 1975-1987</td>
<td>1 woman 8 men</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>South Korea</td>
<td>Truth and Reconciliation Commission (Committee on Clearing Up Past Incidents for Truth and Reconciliation, 진실화해를위한과거사정리위원회)</td>
<td>2005-2010</td>
<td>Japanese colonialism and military dictatorships</td>
<td>1 woman 14 men</td>
<td>No</td>
<td>No, recommendations are mostly specific to individual cases</td>
</tr>
<tr>
<td>Thailand</td>
<td>Truth for Reconciliation Commission of Thailand (TRCT)</td>
<td>2010-2012</td>
<td>Political violence Apr-May 2010</td>
<td>1 woman 8 men</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Timor Leste/Indonesia</td>
<td>Commission for Reception, Truth, and Reconciliation (Comissao de Acolhimento, Verda de Reconciliao de Timor-Leste, CAVR)</td>
<td>2002-2005</td>
<td>Human rights abuses especially by Indonesian security forces 1975-1999</td>
<td>2 women 5 men</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Timor Leste/Indonesia</td>
<td>The Commission on Truth and Friendship of Timor Leste (CTF)</td>
<td>2005-2008</td>
<td>Human rights abuses by Indonesian security forces around 1999 independence vote</td>
<td>1 woman 9 men</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>
Geographically, sub-Saharan Africa is by far the most represented region. Chronologically, the vast majority of the commissions took place in or after 2000, with over half of them beginning between 2000 and 2006.

A few observations present themselves almost immediately upon examining the data. The first is the nearly absolute consistency with which men outnumber women as commissioners in these cases. The only case for which this is not true is the Independent Special Commission of Inquiry for Timor-Leste (1999-2000), on which three women and two men served as commissioners. In all other cases women were outnumbered, often by large margins, or were even excluded entirely as commissioners. Another interesting note is the way in which the findings and recommendations of the commissions do not necessarily match in terms of their gender-sensitivity, nor does there appear to be a pattern between the ratio of women to men commissioners and the findings or recommendations as more or less gender-sensitive. Some of these disjunctions will be explored in more depth later in the thesis.

**Classifying commissions by gender-sensitivity of findings and recommendations**

In my Introduction, I defined gender-sensitivity as *the acknowledgement and sensitive treatment of the particular experience of gendered violence, especially violence against women, as well as the attempt to address specific needs of women*. It is important to remember that gender-sensitivity is a spectrum, not two discrete values, and even commissions that are already gender-sensitive can thus always improve. Here, I offer an operational definition for the purposes of my classifications. I deem a report’s findings gender-sensitive if they:

a) contain an acknowledgement of at least one type of gendered violence or violence against women, and

b) contain more than one mention of gendered violence or violence against women.
I deem a report’s recommendations gender-sensitive if they:

a) contain more than one recommendation which specifies itself as related to gender and/or women, and

b) contain at least one specific recommendation related to gender and/or women. By specific, I mean a recommendation that notes a specific policy, specific quota, or program with a specific goal, as opposed to broader statements such as recommending that the state ‘promote gender equality in politics’. I deem specificity as important because it indicates careful attention to gender-sensitivity rather than a cursory approach, and because specific recommendations have more potential to combat the diffusion of responsibility that can easily occur around gender issues.

It is important to acknowledge that the standards for gender-sensitivity set out here are extremely low. This is a reflection of the overall set of cases, and therefore points to the limited universe of examples that we currently have for understanding how truth commissions might operate gender-sensitively. Another crucial point to note here is the near-hegemonic discourse around sexual violence as the example of gendered violence. Both Dal Secco (2008) and Engle (2018) point to the way sexual violence in conflict is assumed to be inevitable, and so often becomes the central focus of gendered perspectives on the conflict. However, as Dal Secco (2008, 67) argues, truth commissions’ focus on sexual violence as the only form of gendered violence obscures other forms of gendered violence and violence against women, as well as often excluding non-women’s experiences. Therefore, while my criteria for gender-sensitivity allow for reports that only acknowledge sexual violence, this must be understood as inadequate in the larger scheme of the field.
In line with the operationalized definition of gender-sensitivity laid out above, I classified each of the truth commission in my data set based on the gender-sensitivity of their findings and recommendations (Figure 2).

**Figure 2: Truth commission classification by findings and recommendations**

<table>
<thead>
<tr>
<th>FINDINGS</th>
<th>Gender-sensitive</th>
<th>Not gender-sensitive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Kenya (2009-2013)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Liberia (2006-2009)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Morocco (2004-2005)</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Sierra Leone (2002-2004)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Timor Leste (2002-2005)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Thailand (2010-2012)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Timor Leste (1999-2000)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Togo (2009-2012)</td>
</tr>
</tbody>
</table>

**Conclusion**

The table and resulting matrix developed in this chapter provide a basis on which to examine particular cases more closely, in order to better understand what makes a truth commission function in gender-sensitive ways. By separating out commissions that are more and less gender-sensitive, I am able to compare cases so as to develop policy principles based on an
understanding of what does *and does not* work. Specifically, the cases I will focus on are Sierra Leone (2002-2004), South Africa (1996-2002), and Ghana (2002-2004), which I proceed to analyze in depth in the following chapter.
Chapter 3: Case Analyses

This chapter is an examination of three cases from the matrix developed in Chapter 2: truth commissions in Ghana (neither findings nor recommendations gender-sensitive), South Africa (findings gender-sensitive but recommendations not gender-sensitive), and Sierra Leone (both findings and recommendations gender-sensitive). I will undertake an in-depth analysis of each case, identifying aspects of their operations that contributed to the gender-sensitive or not gender-sensitive findings and recommendations observed. In addition, I note features that were or were not sensitive to women’s experiences of participating in the commission process itself. The goal of the chapter is therefore to understand how the operation of a truth commission affects both the experiences of women participating in it, and the gender-sensitivity of its findings and recommendations. Both of these aspects are important. As I will elaborate on in my final chapter, there is value for women in improving the truth commission process itself, in that women deserve to be treated with sensitivity and respect. There is also value in increasing the gender-sensitivity of the findings and recommendations contained in the report, in that the report can impact a society both symbolically and practically.

The case of the Central African Republic (CAR) is notably absent from this chapter, despite constituting the only case in my classification with not gender-sensitive findings, but nonetheless gender-sensitive recommendations. While this pairing of findings and recommendations is intriguing, the case is not appropriate for an in-depth analysis due to a lack of data. The CAR (2003) Truth and Reconciliation Commission is hardly referenced in either primary or secondary literature. Louisa Lombard (2013, 96) offers insight into this, explaining that aside from some vague statements about reform, “the work of the Commission resulted in no concrete action. As a result, today few CAR citizens even remember that the Commission was
ever convened.” In contrast, the Ghanaian, South African, and Sierra Leonean cases are all substantially addressed in both primary and secondary sources.

Developing gender-sensitive truth commission policy is often done by examining a set of ‘best practices cases’ and essentially seeking to combine the features of their operations. This is a very valid approach to building a set of policy principles, but does not account for what should also be avoided. By selecting three cases that represent different levels of gender-sensitivity, my analysis allows for an understanding of what does not work, as well as what does. Each approach is valuable and contributes different understandings to a collectively growing base of knowledge.

Through my analyses, I identify a number of features that I associate with more or less gender-sensitive findings and recommendations. Such features largely center around the way hearings are conducted, the way violence is defined and understood by the commission, and the commission’s particular pattern of engagement with women’s groups in civil society. I also identify features which relate to more or less positive experiences for the women participating in the commission, which largely center around provisions both within and outside of hearings that help women feel more comfortable, more safe, and more heard. While in this chapter I undertake more of a detailed analysis of each case separately, in the following chapter I will synthesize the similarities and differences across the cases to make claims about which features are, in fact, key to achieving gender-sensitivity in findings and recommendations, and in the truth commission process itself.

**Ghana**

Ghana’s National Reconciliation Commission (NRC, 2002-2004) report exhibits findings that are not gender-sensitive, and recommendations that are not gender-sensitive either.
Background on conflict and commission

The NRC addressed the political violence in the period since Ghana’s independence and until its transition to a democratic government in 1993. Specifically, the NRC’s mandate directed it to three periods of particularly intense violence (specific dates in 1966-69, 1972-79, and 1981-93), but also stated that it could investigate “any other period between 6th March, 1957 and 6th January, 1993” (NRC 2004, para. 1.6.1). The conflict took many forms during this period, including state violence and repression of political opponents, four military coups, ethnic fighting, and “socialist-inspired revolution, during which the rule of law was suspended and various types of atrocities and human rights violations” were committed (Ameh 2006, 85). In terms of gendered violence, Gyimah (2009, 36) and Valji (2006, 20) note the widespread use of sexual violence, particularly against women. Gyimah (2009, 36) also points to the state’s specific targeting of women who held public roles. These women experienced violations including detention and public humiliation. There was thus a definite need to address gendered violence among the many types of violence involved in Ghana’s conflict.

The NRC was not established until about a decade after Ghana’s 1993 transition to democracy: unusual timing for a truth commission (Oduro 2013a). The reason for this is that the initial democratic government – in opposition by the time the NRC was established – was very resistant to the idea of commission (Oduro 2013). This is likely because that party had been implicated in much of the violence before 1993, as suggested by the fact that in 1993 it gave its members amnesty for all violence committed until then (Oduro 2013).

The findings in the NRC’s report are not gender-sensitive. Violence based on gender is not mentioned at all in the findings, and violence specifically against women is touched on only cursorily. The report (NRC 2004, vol. 3, 161), which summarizes statistical trends in the
findings, appears to dismiss the particular violence women experienced through the following statement:

[i]n the violations and abuses described in the statement filed with the Commission, over 80% were suffered by male victims. The killing of victims by military-style execution was entirely perpetrated against males. This is consistent with the view that abuse in Ghana was targeted against males.

The report then goes on to acknowledge that four categories of violation were experienced at similar rates by men and women: sexual abuse, forced sale of merchandise at a forcibly fixed price, destruction of property, and having one’s head forcibly shaved (NRC 2004, vol. 3, 161). This is the extent of acknowledgement that certain violence was targeted more at women than others. However, there is no connection made to the fact that these violences were particularly targeted at women because of their gender, despite Gyimah’s (2009) and Valji’s (2006) assertions that they were. Findings in the NRC report are also largely located in a set of sections categorized by theme. Each theme had a specific subcommittee dedicated to investigating violations in that area. Neither women nor gender are included in the themes (NRC 2004, para. 2.7.2), and thus there is no specific section of the findings that focuses on them.

The recommendations of the NRC are also not gender-sensitive. Women are in fact designated as a specific category only once, in a section describing ways that Ghana suffered under its violent regimes: “[w]omen, the mothers of the nation, have been humiliated in public and suffered acts of indignity that disgraced womanhood”, with the remainder of the sentence lamenting the collapse of businesses due to the violence (NRC 2004, para. 3.1.2). In the thirty-five pages of recommendations, neither women as a group nor gender or gender equality are mentioned at all (NRC 2004, para. 3.1.2–3.12.11.2). The majority of the report’s recommendations are categorized into sections around the thematic committees described above.
Since no committee was formed around gender or women, there is thus not a section of recommendations about them.

**Operation of the commission**

**Lack of specific focus on gender**

The NRC (2004, para. 2.3.1) describes its mandate (the legal document passed by the Ghanaian parliament, establishing the commission) as aiming to “establish an ‘accurate, complete and historical record of violations and abuses of human rights’”. The mandate notes some specific types of violence to be addressed: “violations and abuses of human rights relating to killings, abductions, disappearances, detentions, torture, ill-treatment and seizure of properties” (NRC 2004, para. 1.7.1.1). This phrasing means that for gendered forms of violence to be recognized by the commission, there would either need to be clear evidence that something like ‘seizure of properties’ was gendered in nature, or it would need to fall under one of these broader categories (such as ill-treatment). Women and gender are notably absent from all discussion of the mandate. Not only are they not included in the mandate itself (NRC 2004, pt. 1.4.1), there is also no mention of them in section 2.3, where the commission outlines how it will interpret the mandate. A particularly glaring absence is in paragraph 2.3.3.5, which deals with “identifying and specifying victims”, yet does not mention women as a specific category of “victim” (NRC 2004).

As a result of this total lack of identification of women as a specific category of victims, or of gender as a specific factor in violence, Gyimah (2009, 44) states that “gender was not an analytical and organisational tool in operationalising the work of the commission” and that this contributed to less gender-sensitivity overall. Specifically, I argue that failing to highlight gendered violence or women’s experiences contributes to the non-gender-sensitivity of both the
findings and recommendations. In terms of findings, a lack of attention to women as a specific group of “victims” (NRC 2004, para. 2.3.3.5) makes it unlikely that their experiences will be understood as gendered when the commission is summarizing its findings. Additionally, the failure to identify women as a group of “victims” means that the commission did not reach out to women specifically to solicit testimonies about their gendered experiences. In terms of recommendations, again the lack of recognition of gender and women as factors and groups in the experience of violence makes it very difficult to produce recommendations about women or about gender. Without recognizing it as a category among the ‘problems’ (findings), it is unlikely that it will be a category among the ‘solutions’ (recommendations).

Though gender was not included in either the mandate or the commission’s own interpretation of that mandate, the NRC was nonetheless aware of gender as a possible category of analysis. Rather than highlighting it, though, the NRC’s executive secretary Kenneth Attafuah stated that gender would instead be ‘mainstreamed’ throughout the commission’s work5 (cited in Nesiah 2006, 3). This claim of gender-mainstreaming is corroborated by the Office of the United Nations High Commissioner for Human Rights (OHCHR; 2014, 8). For Nesiah (2006, 5), this decision was perhaps “well-meaning”, but resulted more in gender being neglected, rather than mainstreamed. This is because “[r]elying solely on a gender-mainstreaming strategy may mean that gender gets lost in the shuffle because no one bears responsibility for addressing these issues” (Nesiah 2006, 5). Indeed, as a result of the decision, the commission failed to hold hearings focused on women and only noted women’s experiences under other categories of violation (Scanlon and Muddell 2009, 12). This affected both the findings and recommendations.

5 Gender mainstreaming, in theory, is the incorporation of questions of gender into all facets of politics or policy, in an attempt to avoid “ghettoizing” women, and to recognize women’s positionality in gendered systems of power (Hawkesworth 2016, 234–37). In practice, the rhetoric of gender mainstreaming has also been used for purposes such as “undercut[ting] or eliminat[ing] national women’s machinery” (Hawkesworth 2016, 237).
As Scanlon and Muddell (2009, 12) explain, women ended up comprising less than a fifth of those who testified, contributing to their statistical erasure as noted earlier in the description of the findings (NRC 2004, vols. 3, 161). The gender-mainstreaming approach also meant that no specific part of the report focused on women, thus eliminating many possibilities for both findings and recommendations specifically centered around women.

This neglect of gender can be, paradoxically, a result of policies that claim to mainstream it. Weighing in on debates around gender mainstreaming, Hawkesworth (2012) notes how this neglect can often be a product of using the language of “mainstreaming” without a true commitment to it. In Canada, for instance, a series of anti-feminist governments dismantled state institutions that had focused on women, subsuming them into larger systems and effectively erasing them: “[b]y declaring every unit of governance responsible for equality measures, they created a situation in which equality was everyone’s responsibility but no one’s job” (Hawkesworth 2012, 238). Similarly, the Ghana NRC’s decision to mainstream gender created a diffusion of responsibility in which no section of the commission’s operations actually ended up addressing women or gender concerns.

**Commission staff**

The Ghana NRC was composed of three women and six men commissioners (Nesiah 2006, 10). This disparity posed problems for the commission in a number of ways. First, it is inherently problematic, since commissions should model gender equality in their composition, as well as enacting it in their operations (DeLaet 2006). Second, women tend to be more comfortable testifying to other women, particularly about experiences of gendered violence (Nesiah 2006, 19). In Ghana, powerful social stigmas are associated with conversations between men and women about rape in particular (Valji 2006, 20). The presence of women
commissioners is then especially important in giving women a chance to speak about such experiences, and therefore I argue that having a distinct minority of women as commissioners contributed to the lack of gender-sensitivity in the NRC’s findings, by silencing some of these stories. Hayner (2011, 57) echoes this point, noting that rape was underreported to the NRC, specifically “because of the stigma associated” both with having been raped, and speaking publicly about it.

Another issue around the choice of NRC commission staff (though not commissioners themselves) was the fact that some staff had been affiliated with the regimes under investigation by the commission itself. Based on a personal communication with Yaw Anokye, a former staff member of the NRC, Valji (2006, 20) writes that “many investigations were carried out by retired police officers”, making the statement-givers far less comfortable and thus less likely to provide detailed statements, if they even gave them at all. From a gendered perspective, having police officers as statement-takers is also problematic because the ways police are trained to gather information tend not to be sensitive to the needs of more marginalized groups such as women, and may focus on evidence and proof in ways that deny women’s lived realities (Nesiah 2006, 22). I therefore argue that the employment of staff affiliated with previously violent regimes contributed to the non-gender-sensitive findings of the Ghana NRC, since testimonies – especially those from women – would have been suppressed by the fear generated through such staffing choices.

NRC staff did, however, undergo some form of gender-sensitivity training, organized by executive secretary Kenneth Attafuah (Nesiah 2006, 12). Nesiah (2006, 12) points out that this sort of training is important since many commission staff will never have dealt with the concept of “gendered human rights abuse”, and thus may be ill-equipped to understand violence in the
context of gender. However, the section of the NRC report which details the trainings undertaken by the commission and what they covered does not contain any mention of gender (NRC 2004, vol. 2, 17–18). It is thus unclear what gender-sensitivity training was carried out, and also difficult to ascertain why this training did not result in a more gender-sensitive approach by the commission.

**Hearings**

Public hearings during the NRC resembled courtrooms in many ways, despite the fact that the NRC was not a court. For example, Emmanuel Gyimah-Boadi (quoted in Valji 2006, 11) describes the hearings as being physically formatted like a court of law, lawyers being heavily present, hierarchical relationships being established from witnesses to lawyers to the commissioners themselves, and witnesses being “badgered to stick to time and facts.” Hayner (2011, 56) also mentions “aggressive questioning of victims by their accused former perpetrator”, indicating the kind of adversarial relationship between ‘defendants’ and ‘accused persons’ that we typically see in courtrooms.

This format of hearings is particularly negative for women testifying about experiences of gendered violence, since the adversarial nature of being interrogated and cross-examined – sometimes even by the person they are accusing – can be retraumatizing to survivors of violence, particularly sexual violence (DeLaet 2006, 160; Lambourne and Rodriguez Carreon 2016, 74). The courtroom format is therefore likely to result in less detailed testimonies being given, and fewer testimonies overall if word spreads of the negative experience of testifying. I argue that this aspect of the NRC therefore contributed to its lack of gender-sensitive findings, since fewer and less complete testimonies would have been given to the commission in the first place.
Though it conducted some public hearings, the Ghana NRC made the decision to hold all hearings about sexual assault in private (Oduro 2013b). On the one hand, this is positive in terms of gender, since women may feel more comfortable testifying privately about sexual assault as a result of the stigma discussed above (Valji 2006; Hayner 2011). The automatic use of private hearings for testimonies about sexual violence could therefore have resulted in more – and more detailed – testimonies about sexual violence, thus producing more gender-sensitive findings. This is, however, not what we observed: the NRC’s findings are not gender-sensitive, and do not contain a detailed highlighting of experiences of sexual violence.

Instead, I assert that the NRC’s automatic use of private hearings for these testimonies took agency away from the survivors of sexual violence to decide how and to whom they told their stories, and additionally reinforced the stigma that already exists around these types of stories and experiences. It is informative to consider the commission’s own criteria for when a private hearing would be allowed. Two possibilities were if the “security of the state”, or the “personal safety” of an individual, were in danger (NRC 2004, sec. 2.6.3.2). The other was if public decency or morality may be gravely offended by the nature of the testimony (eg. The potentially detailed and graphic testimony of a victim of sexual assault or rape, where such evidence is warranted). In other words, the Commission decided to hear some evidence in camera where it was persuaded that it would be contra bono mores to do so in public, that is, where the public hearing of the evidence would be contrary to public good, morality, or decency. (NRC 2004, para. 2.6.3.2.3)

The language used here indicates that the decision to hear testimonies of rape privately was not an attempt to help women feel more comfortable, but rather to protect society from something ‘offensive’ or ‘indecent’. These ways of thinking about stories of sexual violence can only reinforce existing stigma surrounding it, which will ultimately suppress testimony, and by extension findings about it. Furthermore, this stigmatic attitude toward stories of sexual violence
seems likely to result in recommendations that shy away from addressing these kinds of violence for fear of offending members of society. Overall, I therefore argue that the decision by the NRC to hold all hearings about sexual assault in private contributed to the report’s lack of gender-sensitivity in its findings, as well as potentially having an impact on its recommendations too.

One gender-sensitive aspect of the NRC’s operations was its decision to provide counselling services in tandem with its hearings (NRC 2004, para. 2.5.3; Gyimah 2009, 40). Counselling can be an important way for individuals to process trauma outside of the public setting of a truth commission, and can be particularly positive for women as an opportunity for their emotions to be heard and validated (DeLaet 2006, 170). Counselling has the potential to increase the number of testimonies a commission receives, if the offer of counselling becomes an incentive for people to testify. Counselling might therefore contribute to more varied findings in a truth commission’s report. However, since it evidently did not result in gender-sensitive findings in Ghana, I primarily note it here as an aspect of the commission’s operations that may have improved women’s experiences of participating in the NRC process.

Engagement with women’s groups in civil society

One of the notable characteristics of the Ghana NRC’s operations was its close relationship with the Civil Society Coalition, a group of civil society organizations that helped with some of the commission’s work, particularly education and reaching out to survivors (Valji 2006, 42–43). However, the Coalition did not make an effort to engage women’s groups (Nesiah 2006, 13), and such groups were ultimately not involved in the commission’s work (GNA 2007; Alidu 2010, 168). By ‘women’s groups in civil society’, I refer to what Hawkesworth (2012, 171) calls “feminist civil society”: “those voluntary associational activities aimed at undermining male domination and promoting the empowerment or status of women.” I also include groupings

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of women in civil society that do not necessarily have these goals, since such groups can still offer valuable insight to truth commissions about the experiences or needs of certain women. Nesiah (2006, 13) and Valji (2006, 43) locate the responsibility for involving these groups with the commission itself, and assert that the NRC failed in this regard.

In terms of the effect this had on the NRC’s report, I argue that this neglect contributed to both the non-gender-sensitive findings and recommendations of the commission. Women’s civil society groups can conduct outreach efforts to women about submitting statements and testifying, and push for implementation of measures to create safer environments for those statements and testimonies to be heard (Valji 2006, 43). We can thus expect that a greater engagement with women’s civil society groups would result in more and more detailed statements and testimonies from women, which would then increase the gender-sensitivity of the commission’s findings. Civil society groups can also hold commissions to account on their promises (Sooka 2006, 314), and in Ghana women’s groups could have done this by ensuring a true mainstreaming of gender across all areas of the commission’s work, including its report.

Summary

In examining the NRC’s operations from a gendered perspective, we can see the many ways in which the commission’s workings contributed to the lack of gender-sensitivity in both its findings and recommendations. In particular, I have argued that the lack of a gendered focus in the mandate and its subsequent interpretation, the decision to ‘mainstream’ gender and thus avoid a specific focus on it, choices of and training for commission staff which failed to create a safe and comfortable environment for women testifying, the formatting of hearings like a courtroom, the use of stigmatizing private hearings for sexual violence testimony, and the lack of engagement with women’s groups in civil society, all contributed to the non-gender-sensitive
findings and recommendations that we see in the NRC’s report. I have also noted the provision of counselling services as one aspect of the commission’s work that was, in contrast, sensitive to women, even if it did not impact the findings or recommendations.

**South Africa**

South Africa’s Truth and Reconciliation Commission (TRC or SATRC, 1996-2002) report exhibits findings that are gender-sensitive, but recommendations that are not gender-sensitive. This seems odd, since it means that the recommendations did not directly address the findings. In a patriarchal system, though, one instance of recognition of women’s experiences does not necessarily lead to others. In this section, I will therefore seek to understand why the findings but not the recommendations of the TRC were gender-sensitive, as well as noting some of the differences between the TRC and the NRC.

**Background on conflict and commission**

The TRC was created to address violence in South Africa under apartheid, and to facilitate the transition to a democratic state. The specific period of violence covered by the TRC began in March 1960 (selected because it was considered the beginning of the “armed struggle”; Villa-Vicencio and Cooper 2013, 449) and continued until May 1994 (South African Press Association 1996). Apartheid was a system of racial hierarchy in which white South Africans established domination over the country’s public institutions out of a history of racialized colonialism and slavery (Villa-Vicencio and Cooper 2013, 446). The violence of apartheid was also gendered and deeply patriarchal (Borer 2009, 1180), with entrenched power relations that set up a “racially constructed sexual right [of white men] to the bodies of black women” (Pamela Scully, quoted in Durbach 2016, 369). The intersections of race and gender created a system in which Black women were uniquely and multiply marginalized under apartheid (Manjoo 2008;
Khulumani Support Group (2011). This systematic marginalization was combined with more discrete instances of gendered violence, such as the widespread use of sexual violence against women, which was perpetrated by state security forces as well as anti-apartheid activist groups (Durbach 2016, 370).

The TRC was established in the transition to democratic rule under the newly elected African National Congress party, led by President Nelson Mandela (Villa-Vicencio and Cooper 2013, 447–48). The TRC was innovative in a number of ways, notably in that it was the first truth commission to hold public hearings, and in its particular form of conditional amnesty which aimed to encourage truth-telling by offering the possibility of amnesty for perpetrators who came forward, with the threat of criminal prosecution if they did not (Forsythe et al. 2011, 565; Doxtader 2013, 439). Though a model for many truth commissions in the years since (Forsythe et al. 2011, 564), the TRC was in fact very controversial in South Africa at the time of its operation, with parties on all sides of the conflict unsatisfied about its design and even its very existence (Doxtader 2013).

The findings of the TRC are gender-sensitive in a number of ways. First, the TRC report includes a chapter detailing various experiences of women that came to light particularly during special women’s hearings (Tutu et al. 1998 [this is the TRC report], vol. 4, 284–318). Such experiences included sexual, other physical, and psychological violence, as well as the manipulation of women’s relationships, the experiences of women who perpetrated violence, and a section called “non-prison experiences” (Tutu et al. 1998, vol. 4, 308), which deals with a variety of experiences, from abductions and shootings by state security forces to banishment.

The special hearings that yielded these findings will be discussed later in this section. Women are also discussed in a small section of the official summary of the commission’s findings. After
stating that “women too suffered direct gross violations of human rights, many of which were
gender specific in their exploitative and humiliating nature” (Tutu et al. 1998, 256), the report
goes on to note that women experienced violations while in state custody such as harassment and
being denied access to food and health services, at the hands of security forces in a variety of
ways that sought to frighten or humiliate them in connection with their gender, and finally while
in exile in the form of sexual violence especially (Tutu et al. 1998, 256).

Ultimately, the findings of the TRC report easily meet my measure of gender-sensitivity
outlined in Chapter 2, in that they acknowledge a variety of types of gendered violence and
contain multiple mentions of gendered violence. However, it should be noted that the threshold I
have set is very low. Despite meeting my criteria for gender-sensitivity, the report’s findings
have been criticized by many on gender grounds. For example, Scanlon and Muddell (2009, 12)
write that “despite one chapter being dedicated to women in the final TRC report, the gendered
nature of the country’s past was only superficially recorded.” Beth Goldblatt and Sheila Meintjes
(1999, 6) go further, criticizing the “ghettoized female subjectivity” created by the consolidation
of findings about women into a single chapter which is itself located at the very end of a volume.
The fact that the TRC is classified here as having gender-sensitive findings should therefore not
be taken to mean that those findings are sufficient or that there is not more the TRC could have
done in this area.

Unlike its findings, the TRC report’s recommendations fail to meet my criteria for
gender-sensitivity. These criteria are that there must be at least two recommendations which
particularly relate to gender and/or women, and which are specific. Specificity is achieved by a
recommendation that notes a specific policy, quota, or program goal, as opposed to a broader
recommendation such as ‘promoting gender equality’. In fact, this specificity distinction is
important, because while the TRC report contains multiple recommendations that relate to
gender, none are specific in nature (Kusafuka 2009, 64). For example, a number of the (relatively
few) recommendations that mention gender at all are phrased similarly to the following
recommendation: that “[i]mbalances in the gender composition of the magistracy be addressed”
(Tutu et al. 1998, vol. 5, 326). This recommendation lacks specificity because it fails to explain
what it means by imbalances and what it would look like for them to be addressed (for example,
is the goal to have 50% of magistrates be women, or simply 30%?), as well as failing to specify
any directions as to how the imbalances should be addressed (for example, should a quota be
implemented?). Indeed, on the note of specificity, Borer (2009, 1183) writes that “not one of the
over 100 recommendations is explicitly aimed at improving the human rights of women” (my
emphasis).

Operation of the commission

Understandings of violence

The TRC was established by the Promotion of National Unity and Reconciliation Act of
1995 to investigate and promulgate the ‘truth’ of human rights violations during apartheid, offer
victims an opportunity to share experiences of violations and receive reparations for them, grant
amnesty to perpetrators of apartheid-era human rights violations who confessed to their crimes,
and prevent future gross human rights violations of the kind (Government of National Unity
1995). Within this mandate, there was no explicit focus on gender, gendered violence, women, or
violence against women (PILPG 2013, 8). Manjoo (2008, 145) writes that “[t]he TRC Act
appears to be ‘gender-neutral’ […] It is in fact, gender-biased, because of the way that gross
human [rights] violations were defined so as not to include ordinary suffering inflicted by
apartheid.”
As with the Ghana NRC, the South Africa TRC’s failure to highlight gendered violence in its mandate can be expected to negatively impact the gender-sensitivity of both its findings and its recommendations. However, this is not what we observe, since the TRC’s findings are in fact gender-sensitive. One difference is that, early in its operations, the TRC received a submission that grew out of a civil society workshop about gender and the TRC (Goldblatt and Meintjes 1996). This submission pointed out some of what the TRC was failing to notice by overlooking gender, and suggested that it should adopt a more gendered perspective (Tutu et al. 1998, vol. 4, 284). While the TRC did not set out with a focus on gender, it was offered one through this submission. I therefore contend that the decision, early in the commission’s lifespan, to include gender as a focal point, mitigated at least some of the negative impact of the gender-neutral mandate on findings, though it was not sufficient to also make the recommendations gender-sensitive.

In addition to not highlighting women or gender, the TRC’s mandate exclusively considered violence that was individualized and located in discrete incidents, and that could be considered ‘political’ in nature (Doxtader 2013; Durbach 2016, 373). As Scanlon and Muddell (2009, 12) point out, the focus on individual violence prevented the TRC from recognizing structural forms of violence during apartheid, which in turn led to a failure to understand the structural bases for these types of violence. This is particularly problematic for women since a significant aspect of gendered violence is its basis in structural oppression. The failure to understand violence in structural terms therefore “devalues the experiences of women” as well as failing to recognize “the intersections between race and gender” that operated under apartheid (Manjoo 2008, 145). This failure to recognize structural violence is especially an issue in terms

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6 I will discuss this submission in more depth on page 58, in the section on the TRC’s engagement with women’s civil society groups.
of recommendations. While it is possible to have findings that recognize individual experiences of gendered violence without noting the larger structural context, recommendations inherently tend to focus on that which is structural, seeking to address problems in the larger systems that govern a society. I therefore claim that not acknowledging structural aspects of gendered violence contributed to the non-gender-sensitive nature of the TRC’s recommendations, while still allowing the findings to be gender-sensitive.

The emphasis on violence deemed ‘political’ in nature became an issue with regard to how sexual violence, particularly rape, was understood (Durbach 2016, 373). The question of whether rape was ‘political’ or not came up in the context of the TRC’s amnesty committee, which only offered amnesty to perpetrators of political crimes (Manjoo 2008). The committee eventually decided not to consider rape a political crime, largely so as to deny amnesty to perpetrators of rape and thus avoid ‘impunity’ by instead prosecuting them criminally (Mantilla and Anderlini 2006). On the one hand, this was positive in terms of gender-sensitivity (though perhaps not in terms of findings or recommendations), as it sought to take rape seriously as a crime. On the other hand, though, scholars such as Nesiah (2006, 24) and Manjoo (2008, 149) argue that this sent a message that rape was inherently non-political, confining it to a crime of the ‘private sphere’ and denying the ways in which it had been actively used as a weapon of political violence. In terms of the TRC’s findings and recommendations, I argue that this contributed to the difference between them. Specifically, not considering rape as a political crime still allowed for findings of rape to be discussed in the report, as individual acts of bodily harm. However, it removed the understanding that this was a crime that could (and should) be addressed through structural reforms of the political sphere (that is, recommendations).
In addition to failing to see gendered violence beyond individual incidents and failing to understand rape as political, the TRC also struggled to comprehend the breadth of gendered violence, instead focusing almost exclusively on sexual violence. Ross (2003) is particularly critical of this aspect of the commission’s work, arguing that it created a singular narrative of victimhood into which women were expected to fit, and thus silenced many women’s actual narratives. For example, many women who had worked as anti-apartheid activists – and in general women who did not frame their stories around sexual violence – did not testify to the TRC, seeing little space for their stories in its framework (Ross 2003, 17; Gurd and Manjoo 2010). In addition to this, some women’s stories were twisted in order to fit the expected narrative of sexual violation, thus wresting control of the story away from its owner – an act which I suggest is a violation in itself. A well-known example of this is the case of Yvonne Khutwane, whose mention of rape within a larger story of political activism, repression, and social exclusion became the main point highlighted by the TRC (Ross 2003, 88–89; Nesiah 2006, 20).

Though neither of these issues (silencing, and twisting narratives) resulted in a complete absence of women’s stories in the report’s findings, they certainly contribute to the inadequate gender-sensitivity of the findings as noted at the beginning of this section (Scanlon and Muddell 2009). Furthermore, they narrow the understanding of what constitutes gendered violence, thus contributing to the erasure of structural violence as a consideration. If gendered violence is simply equated to ‘rape’, then other forms, such as economic and political exclusion, are easily ignored. I argue that this therefore contributed to the non-gender-sensitivity of the TRC’s recommendations, by limiting the commission’s ability to see gendered violence as a broad structural issue requiring structural reforms.
**Commission staff**

The South African TRC was composed of three women and six men commissioners, the same numbers as in Ghana (Manjoo 2008, 145), which is a problem since the commission should ideally model gender equality in its operations (DeLaet 2006), and because women tend to be more comfortable testifying to other women (Nesiah 2006, 19). In South Africa, Mantilla and Anderlini (2006, 12) further describe how women commissioners “developed emotional support for witnesses in a manner different from that of men”, including a “compassionate concern for victims”, and that these commissioners encouraged the TRC as a whole to be more gender-sensitive in a number of areas. For example, Sooka (quoted in Borer 2009, 1182) explains that women commissioners ensured that sexual violence would be considered – if inadequately – by the commission, by pushing for it to be classified under ‘severe ill-treatment’. Women commissioners were in a minority, however, making lobbying for greater gender-sensitivity more difficult. This helps to explain why aspects of the TRC’s findings, as well as the recommendations as a whole, lack gender-sensitivity, since a greater proportion of women commissioners would likely have been able to push for a more compassionate approach to witness, as well as a gendered focus that was sustained all the way through to the recommendations.

**Hearings**

The TRC offered two hearing formats that different from the NRC’s, and which I argue contributed to the more gender-sensitive findings that we see in South Africa. Specifically, private hearings were available to those who wanted them, and the commission organized three hearings specifically focused on women. Both of these changes came about as a result of the Goldblatt and Meintjes (1996) submission (Meintjes 2012) which I will discuss shortly.
The availability of private hearings, as discussed in the case of Ghana, is particularly important for women testifying about gendered – especially sexual – violence due to the stigma associated with these experiences (Farr 2000, 28). Meintjes (2012) suggests that the “deeply conservative nature of South African society, and the idea that rape and sexual violation dishonoured men, who were conceived as the protectors and providers of families” combined to produce a deep stigma for women around talking about rape. Farr (2009, 12) further complicates this stigma by describing a historical perception by some anti-apartheid groups that, in line with the “patriarchal lie that rape is something women secretly desire”, women who were raped by pro-apartheid forces were in fact “sell-outs” who had submitted to the enemy state and were thus doubly stigmatized. For women raped by colleagues or comrades in the anti-apartheid movement, there was also a fear that reporting such rape publicly would cast the liberation movement in the same negative light as apartheid itself, something they did not wish to do (Goldblatt and Meintjes, cited in Borer 2009, 1176). The availability of private hearings, where women could more safely testify about these sorts of experiences, was thus important in creating a space where testimonies of rape could be heard, though Scanlon and Muddell (2009, 12) point out that despite these measures, only 158 women in total actually testified to the TRC about being raped. I argue that even this small number of testimonies, which we can imagine would have been far smaller without the availability of private hearings, contributed to the gender-sensitivity of the TRC’s findings, since rape does feature in the findings (Tutu et al. 1998, vol. 4, chap. 10).

A second difference between the NRC and TRC was the presence, in South Africa, of special women’s hearings. These took the form of three women-only hearings explicitly focused around women’s experiences during apartheid, in which only women commissioners were
present (Nesiah 2006, 10). I argue they constitute a positive step towards gender-sensitivity, particularly for the report’s findings, in that they create a safer-than-usual environment for women to testify in (Nesiah 2006, 31), and thus generate more and more detailed findings. Women in these hearings were encouraged to tell stories that they had personally experienced (Kusafuka 2009, 55), something that was particularly important because, though women represented the majority of those giving testimonies to the TRC, their stories were often about men – husbands, sons, brothers – rather than about themselves (for example, see Ross 2003; Scanlon and Muddell 2009, 12; Durbach 2016, 375). The women’s hearings therefore not only created a safer environment for stories – and thus findings – about gendered violence, but also increased the number of stories about women’s own experiences.

**Engagement with women’s groups in civil society**

The TRC’s main engagement with women’s civil society groups occurred through the means of the 1996 submission authored by Beth Goldblatt and Sheila Meintjes, about gender and the commission. This submission grew out of a workshop titled “Gender and the Truth and Reconciliation Commission”, and hosted by the Witwatersrand University’s Centre for Applied Legal Studies (CALS; Olckers 1996, 62). According to Olckers (1996, 62–63), “[t]he workshop was attended by NGOs who had worked in the area [of gender activism], an interested Commissioner, one other TRC staff member, as well as members of the Khulumani Support Group. A MEC [member of a regional government’s cabinet] of the Gauteng legislature and a member of the National Assembly agreed to address the workshop.” Goldblatt and Meintjes (1996) add that lawyers and psychologists were also in attendance. It is difficult to say with certainty how ‘representative’ this group may have been, since we do not know which NGOs attended, but it is important to note that the Khulumani Support Group is the only entity listed
here that has as its specific goal the empowerment of survivors of apartheid (Khulumani Support Group 2018). The OHCHR (2014, para. 14) points out that the subsection of civil society that the commission consults should “truly represent victims’ views, not their own agenda or that of a narrow subgroup of victims, for example urban or well-educated women only.” We can certainly understand lawyers, psychologists, politicians, and TRC members themselves to be more educated. Therefore, while we do not know what interests these participants brought to the workshop and the subsequent submission, we must keep in mind that when discussing ‘women’s groups in civil society’ in the South African case, we are in fact talking about many people who benefit from education, and likely class privileges, that are not necessarily representative of the group of women who actually participated in the TRC. While engagement with this set of groups was, to a limited extent, beneficial for the gender-sensitivity of the TRC’s findings especially, we should remember that this engagement was also far from inclusive.

As mentioned a number of times, the Goldblatt and Meintjes (1996) submission, which grew out of the CALS workshop, had a positive effect for gender-sensitivity, particularly in the commission’s findings. The submission outlined some of the complex ways in which gendered violence occurred during apartheid, noted how stories of this violence were being silenced by aspects of the TRC’s design and operations, and suggested improvements that the TRC could make, such as the private and women-focused hearings already discussed. The submission also suggested changing the way women were asked for testimonies to encourage them to talk more about their own stories and not just about male loved ones (Kusafuka 2009, 50; Borer 2009, 1177). As a result of these changes, I have already argued that the TRC was able to gather more and more complex stories of gendered violence, and thus increase the gender-sensitivity of its findings.
While the commission took suggestions from the submission seriously, it did not proactively set out to engage with the groups that contributed to it, nor with women’s civil society groups in general (Kusafuka 2009). In fact, Olckers (1996, 63) mentions that later efforts by women in civil society, who had branched off from the initial CALS workshop, were largely ignored by the commission. This fits with Kusafuka’s (2009, 49) assessment of the TRC’s engagement with women’s groups in civil society as sporadic, which she connects to the commission’s failure “to fully incorporate gender issues.” I therefore argue that the inconsistent and incomplete engagement with women’s civil society groups, largely carried out through the response to the 1996 submission, contributed to the partial gender-sensitivity of the TRC’s report, since it resulted in some changes to hearing practices that encouraged more stories from women, but did not ensure a sustained consideration of gender beyond these hearings (in particular, into the report’s recommendations).

**Summary**

My examination of the South Africa TRC thus reveals a disjunction between, on the one hand, a number of practices that encourage testimony from women and recognize specific experiences that women have, yet on the other hand failing to understand those experiences in a broader context of structural violence and thus neglecting to recommend associated structural changes. Furthermore, the case displays an incomplete commitment to addressing gendered violence on the part of the commission, which contributed to some gender-sensitivity in findings, but an inability to sustain this consideration of gender into the more forward-looking area of recommendations. While the TRC is certainly closer to ‘getting it right’ than the Ghana NRC, it therefore still falls short of a broad or complete understanding of gendered violence in addition to a set of recommendations designed to address it.
Sierra Leone

The Sierra Leone Truth and Reconciliation Commission (TRC or SLTRC, 2002-2004) report exhibits both findings and recommendations that are gender-sensitive. In the scheme of the three cases being considered, the Sierra Leone TRC is therefore the most gender-sensitive, though it is far from a ‘perfect’ commission in this regard. In this section, I will attempt to understand what contributed to the gender-sensitivity of both of these areas of the report, as well as touching on differences between the SLTRC, the SATRC, and the NRC.

Background on conflict and commission

The Sierra Leone TRC was set up to address the events of a civil war that lasted from 1991 until 2002 (Dougherty 2013). Provisions for the commission were initially made in the Lomé Peace Agreement signed in 1999 (Mantilla and Anderlini 2006), but which did not mark the actual end of fighting (Dougherty 2013). The commission was thus officially charged with addressing violations that happened between 1991 and the 1999 agreement. However, it “[had] not felt itself to be particularly constrained by the time frame […] the Commission’s mandate is to consider the ‘conflict’. It could not do this in an accurate and faithful manner if it were to begin mechanically with 23 March 1991 and to conclude in an equally mechanical manner with 7 July 1999” (Humper et al. 2004 [this is the TRC report], vol. 1, para. 71).

Sierra Leone’s conflict itself was perceived internationally as particularly brutal, with warring factions maiming and mutilating civilians (Nowrojee 2005). Much violence was also targeted at women, including sexual violence (Nowrojee 2005; Teale 2009; Dougherty 2013). There was thus a definitive need to address many forms of gendered violence. In the Lomé Peace Agreement, amnesty had been given to all perpetrators of violence up until 1999, so a truth commission (as a non-prosecutorial body) was understood as one of the remaining ways
available to address what had happened (Teale 2009, 69). The commission began its work in 2002 once the fighting had ended in earnest (Dougherty 2013).

The gender-sensitive findings of the TRC can be found throughout its report, but are specifically summarized in a section of the ‘findings’ chapter dedicated to women. This section outlines a variety of types of gendered violence that women experienced during the conflict – including sexual violence, other physical violence, and economic violence (Humper et al. 2004, vol. 2, 100–106). Violations are attributed to specific groups within the conflict, but also to aid workers, who “abused their power by exploiting the vulnerability of those under their care”, including manipulating women into trading sex for humanitarian aid (Humper et al. 2004, vol. 2, 105). Furthermore, the findings go beyond the period of the conflict itself, recognizing a continuous experience of violence and acknowledging its structural nature: “[w]omen and girls in Sierra Leone before, during and after the conflict have been subjected to entrenched structural discrimination by practice, custom and law” (Humper et al. 2004, vol. 2, 106).

As with its findings, the recommendations of the Sierra Leone TRC also include a section focused specifically on women. This section contains a multitude of specific (and some more vague) recommendations across a range of areas, including law, politics, education, finance, and social services. One example of a specific recommendation is the following (Humper et al. 2004, vol. 2, 327):

The Commission recommends that a directory be established by the Ministry of Social Welfare and Gender Affairs in conjunction with UNIFEM, the World Health Organisation and other stakeholders which should contain a list of donor agencies and service providers assisting women together with their contact details both in the provinces and Freetown. The emphasis should be on where women can obtain information and access assistance. The launch of the directory should be accompanied by a media campaign. The Ministry of Social Welfare and Gender Affairs should work towards the implementation of this recommendation.
This is an example of a specific recommendation in many ways. It outlines a clear, detailed task (the creation of the directory with all of the specifications listed, and its promulgation to the public), as well as assigning responsibility for the task to a specific agency. Furthermore, it describes some of the ways the agency responsible should go about completing the task. One additional measure of specificity that the recommendation is lacking, though, is a defined time-frame for completion. Nonetheless, with many recommendations similar to this across a wide range of areas, it is clear that the report is overall gender-sensitive in its recommendations, as well as its findings.

**Operation of the commission**

**Understandings of violence**

The SLTRC was set up by the Truth and Reconciliation Commission Act 2000 (quoted here in Humper et al. 2004, 24–25), which describes the commission’s mandate:

(1) The object for which the Commission is established is to create an impartial historical record of violations and abuses of human rights […], to address impunity, to respond to the needs of the victims, to promote healing and reconciliation and to prevent a repetition of the violations and abuses […].

(a) to investigate and report on the causes, nature and extent of the violations and abuses […].
(b) to work to help restore the human dignity of victims and promote reconciliation […], giving special attention to the subject of sexual abuses and to the experiences of children within the armed conflict […].

Unlike the NRC and SATRC, we can see that the SLTRC’s mandate specified a focus on sexual violence. This is somewhat problematic, since the goal should be to address gendered violence in a broad sense, and indeed Dal Secco (2008) criticizes the SLTRC for too exclusive a focus on sexual violence. However, it is also important to remember that in the other two commissions discussed in this chapter, no mention of any form of gendered violence was present in the mandate, and thus with the SLTRC we can expect to see attention at least to this one aspect of
gendered violence throughout the commission’s work – in both findings and recommendations – which is indeed what we observe. This is thus an improvement on other commissions, though far from perfect in and of itself.

Though the mandate of the TRC stated that it should focus on sexual abuse, the commission itself decided to interpret the mandate more broadly: “[w]hile women are not explicitly mentioned in the TRC Act, given that they were the overwhelming victims of sexual abuse, the Commission interpreted this provision to mean that it should pay special attention to the experiences of women and girls” (Humper et al. 2004, vol. 3b, 86). The TRC also explicitly set out to “capture the experiences of both women and girls in respect of sexual violence, as well as their complete gendered experiences at a political, legal, health and social welfare level” (Humper et al. 2004, vol. 3b, 87). Gyimah (2009, 43) and Muddell (2007, 88) both point to these inclusive interpretations of the mandate as crucial to the TRC’s relatively high level of gender-sensitivity.

The somewhat gender-sensitive mandate, paired with the commission’s inclusive interpretation, connect to the gender-sensitive findings and recommendations of the TRC in a number of ways. First, in explicitly deciding to highlight women’s experiences, the commission ensured that findings would be more gender-sensitive since information would be specifically sought on topics of gender, and from women. Second, the interpretation of the mandate situates sexual violence within a range of gendered violences, thus contextualizing it within a system. An understanding of the systematic and structural nature of violence is more conducive to crafting recommendations about it, since recommendations tend to focus on change at a systematic level. I therefore argue that the SLTRC’s more gender-sensitive recommendations, which set it apart
from both of the previous cases, are in part a result of the commission contextualizing the sexual violence experienced by women and girls within a larger system of gendered violence.

Furthermore, as Valji (2007, 11) asserts, “[g]ender justice can only be furthered if there is a focus not just on the crime but its context, motivation, and location within a continuum [of] violence.” Indeed, Scanlon and Muddell (2009) state that the TRC’s interpretation of its mandate allowed it to consider not only the gendered violence that occurred during the conflict, but also before and after, thus recognizing this “continuum” (Valji 2007). Recommendations should seek to address the fact that gendered violence still exists after the conflict, and thus the understanding that such violence exists on a continuum is crucial to crafting meaningful, gender-sensitive recommendations.

**Commission staff**

The TRC was composed of three women and four men commissioners (PILPG 2013). For all the reasons already discussed – in particular, women’s greater comfort in testifying to women commissioners (Nesiah 2006), and women commissioners’ roles in pushing commissions to be more gender-sensitive (Mantilla and Anderlini 2006) – this more even balance is likely to produce more gender-sensitive findings and recommendations overall. PILPG (2013, 10) corroborates this analysis, adding that women commissioners in Sierra Leone contributed to the implementation of gender-sensitivity trainings and gender-sensitive methodologies in investigations, among other things.

One aspect of the Sierra Leone case that is somewhat jarring with the overall positive set of policy features that I have noted so far is that the commission was distrusted by many Sierra Leoneans. There appear to be two main reasons for this. The first is that the commissioners themselves were seen as favoring the political party in government, the Sierra Leone People’s
Party (Bosire 2006, 79), as well as a pro-government militia (Shaw 2005, 5). There was therefore a sense that the commission was biased, perhaps leading to a fear of testifying for those who did not support the government. Additionally, Shaw (2005) reports that ex-combatants were particularly reluctant to testify at the commission because of the simultaneous operation of a criminal prosecutorial court, the Special Court for Sierra Leone. Ex-combatants were concerned that their testimonies, if given to the TRC, could then be subpoenaed by the Special Court (Shaw 2005, 4). This weakened trust in the TRC may have had an ‘equal’ gendered impact in terms of discouraging testimonies from both women and non-women. However, given that narratives of women combatants are already less prominent, discouraging testimonies from that particular group may have particularly limited the commission’s understanding of the breadth of women’s experiences by silencing women combatants. This would have impacted the findings of the commission especially, by providing a less complete perspective of experiences, though of course we cannot know how many of these women would have testified in other circumstances.

Distrust of commissioners and commission staff, however, is also an issue in terms of women’s (and non-women’s) experiences of participating in the commission itself.

The TRC’s staff and commissioners, like those of the NRC, underwent gender-sensitivity training early in the commission’s work. While certainly a positive aspect of the commission’s operations, the training was in response to initially problematic questions asked to women testifying about sexual assault, including inquiries as to what the women were wearing when they were assaulted, or why they were out late at night (Mantilla and Anderlini 2006, 17). I therefore see the training as contributing to the gender-sensitivity of the report’s findings, in that avoiding these types of questions is likely to lead to more and more detailed testimonies from women about such experiences. The training also contributed to a more positive experience for
the women who testified after it took place, though it would have been preferable to conduct this training before any women had to be exposed to such questioning.

**Hearings**

One particularly gender-sensitive aspect of the TRC’s operations was the availability of different levels of privacy for those testifying, with the ability to choose between these levels. Specifically, witnesses could testify entirely publicly, in a public hearing but concealed by a screen, or in a private hearing (PILPG 2013). In the ways already discussed, the ability to testify in private helps encourage more, and more detailed, testimonies from women and about gendered violence, and in this way the availability of various privacy levels contributed to the TRC’s more gender-sensitive findings. The ability to choose between multiple options is also deeply important in giving women agency not only over whether to tell their stories, but also how. I see this second aspect as something that contributes to improving the experience for women participating in the commission. Also in this vein, great care was taken to ensure confidentiality in cases where witnesses – especially women – wished to remain anonymous (Nowrojee 2005). Additionally, comfortable spaces were provided for women before and after testifying, and an ambulance was on site during hearings in case of medical emergencies (Nowrojee 2005). These measures increased comfort around the process of testifying (Nowrojee 2005) and may thus have increased the number and detail of testimonies given. However, I note this primarily as a measure to make the process itself more sensitive to women.

As with the Ghana NRC, the SLTRC offered counselling services to those who testified (Teale 2009). On the one hand, some women found this to be a positive feature during the process itself (Teale 2009). However, Teale (2009, 85) also describes a process by which women would feel a sense of relief right after giving testimony to the TRC, but, once they returned
home, would begin to feel worse than they had before testifying, experiencing a variety of psychological and somatic symptoms such as “sleepless nights, nightmares, flashbacks, and stress-related pains across their bodies”. She connects this to the TRC’s counselling services, suggesting that the possibility of receiving counselling encouraged many women to testify, which ultimately made them feel worse (Teale 2009, 85). It is then difficult to say that counselling improved the experience of women participating in the SLTRC, and I cannot conclude whether or not it contributed to an overall more or less gender-sensitive process.

Like the SATRC, the SLTRC also held special women’s hearings. In Sierra Leone, these took the form of “thematic” hearings in the capital, Freetown, where both individual women and women’s civil society organizations were invited to testify (Humper et al. 2004, vol. 3b, para. 29). The setting was majority-women and only women commissioners interviewed those testifying (Humper et al. 2004, vol. 3b, 90). Humper et al. (2004, vol. 3b, 90) note that many women, more than expected, came forward in these hearings to share their stories. I therefore argue that special women’s hearings in the Sierra Leone TRC contributed to the more gender-sensitive findings of the commission, in that the hearings promoted more story-sharing from women about their experiences, as well as insight from civil society groups concerned with women’s empowerment.

An unusual rule in place during the SLTRC was that only women commissioners were allowed to pose questions to someone testifying about rape (Nowrojee 2005, 94). On the one hand, this seems like a gender-sensitive rule that would result in more and more detailed testimony about rape, since women are generally more comfortable speaking with other women about sexual violence (Nesiah 2006). On the other hand, the existence of the rule implies that all rape survivors are women, thus narrowing the understanding of what constitutes gendered
violence and setting up a victim/not-victim dichotomy between women and men (Eriksson Baaz and Stern 2014). In terms of findings about women’s experiences, this rule therefore is likely to yield more detailed findings. However, it is less likely to yield entirely gender-sensitive findings since it narrows the understanding of gendered violence that the commission can gain. Recommendations might also be affected in similarly ambivalent ways: on the one hand, the more detailed understanding of women’s experiences might lead to more recommendations addressing violence against women. However, the narrowing of understandings of what gendered violence is and who it affects might also narrow the ability of recommendations to address the full breadth of gendered violence. I am therefore inconclusive about the effect of this rule on the gender-sensitivity of the TRC’s report, though I contend that a better rule would have been to simply allow those testifying to specify if they wished to speak only with commissioners of a particular gender.

**Engagement with women’s groups in civil society**

In contrast with both the NRC and SATRC, the SLTRC engaged with women’s civil society groups throughout its process. Before the commission was even fully set up, various local and international women’s groups formed the Women’s Task Force, with the goal of ensuring adequate consideration of gender in both the TRC and the Special Court (operating simultaneously). Jamesina King (2006, 256) describes one of the Women’s Task Force’s first actions: petitioning for gender balance among the commissioners of the TRC. This was arguably successful, with nearly half of the appointed commissioners being women; however the petition also called for gender balance in the Special Court, but only three of eleven appointed judges were women (King 2006, 256), so perhaps the gender balance on the TRC was not a result of the petition itself.
In light of the OHCHR’s (2014) point about the representativeness of civil society organizations, it is pertinent to consider which groups formed the Women’s Task Force. King (2006, 254) describes the Task Force as including the Sierra Leone Women’s Forum, the Forum for African Women Educationalists, and the Campaign for Good Governance. Valji (2010b, 12) adds that international NGOs were also involved, which Sherrill Whittington (2005, 29) specifies as various UN bodies, and the International Human Rights Law Group (IHRLG). The collection of women’s civil society groups involved in the Women’s Task Force can thus be understood very much as the elite, at a national, regional, and international level, though with some representation of less resourced groups through the Women’s Forum particularly. Again, it is important to keep this in mind when thinking about engagement with women’s civil society groups – while engaging even with more elite groups is preferable to not engaging at all, far more can and should be done to elevate those voices that are still not being heard.

With an understanding of the composition of the Women’s Task Force, I return to a discussion of the TRC’s engagement with women’s civil society groups. Before beginning to collect statements or organize hearings, the TRC solicited submissions from women’s groups (both in and outside the Task Force) in order to gain a sense of how women understood their experiences during the conflict, which could then inform the commission’s decisions about how to operate (PILPG 2013, 3). The Task Force also put forward a number of recommendations for how the commission should operate, including the need for gender-sensitivity training, and the

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7 The Women’s Forum is an umbrella group for women’s civil society organizations in Sierra Leone (Agence de Presse Africaine 2017), and the Forum for African Women Educationalists (FAWE) is a “pan-African Non-Governmental Organisation that operates […] to promote girls’ and women’s education”, created by government ministers from a number of countries in sub-Saharan Africa (Forum for African Women Educationalists 2017). The Campaign for Good Governance is a Sierra Leonean NGO which aims to build state capacity through education and advocacy (Campaign for Good Governance 2014), and the IHRLG, no longer in existence, was a “non-profit organization of human rights and legal professionals from over 20 countries engaged in advocacy, strategic human rights lawyering and training around the world” (IHRLG 2001).
provision of counselling services (Whittington 2005, 29). As we have seen in this section, these suggestions were implemented, though neither was perfect.

During the main part of its work, the TRC has also been praised for consistent collaboration with the groups in the Task Force, which kept the commission informed of the need for and means of achieving greater gender-sensitivity in its process (Gyimah 2009, 33–34). I therefore argue that the TRC’s engagement with women’s groups in civil society – particularly the Women’s Task Force – contributed both to the overall gender-sensitivity of the report, and the more positive experiences of women who participated in the process. By urging greater numbers of women commissioners and the adoption of measures such as counselling and training, these groups contributed to an overall safer environment for women to testify in, thus increasing the ability for the commission to obtain gender-sensitive findings. By sharing their own understanding of women’s experiences in the conflict, these groups were also able to ensure that the commission took a broad approach to both hearing about and making recommendations in relation to women, and their continued involvement with the TRC prevented it from forgetting women’s concerns. Finally, many of these measures also improve the individual experiences of the women who participated in the TRC, thus making this sustained engagement doubly valuable.

Report dissemination

How the gender-sensitive report of the SLTRC was disseminated matters because ultimately, its gender-sensitivity is only relevant insofar as it is known. Overall, the dissemination of the report was mixed in success. On the one hand, versions of the report were written for schoolchildren of different ages (Sierra Leone TRC 2004; Sheriff and Bobson-Kamara 2005), and a 55-minute video summarizing the main findings and recommendations now
exists online (Caldwell 2012). On the other hand, even in 2009 the full set of recommendations had not been provided to some of the agencies responsible for fulfilling them (Teale 2009), and the complete report, as well as the printed alternative versions and the majority of the video version, remain only in English (Humper et al. 2004; Sierra Leone TRC 2004; Sheriff and Bobson-Kamara 2005; Caldwell 2012). Furthermore, there is no printed material accessible to those who cannot read (Teale 2009, 83) – this is particularly an issue in terms of the recommendations related to women, since women are less likely to be literate (Rubio-Marín and de Greiff 2007, 322). One aspect of this dissemination process to note is that the commission itself was not solely responsible – in fact, much of that work happened through other organizations, particularly NGOs. Ultimately, the question of report dissemination is not within the scope of my research question, and therefore I will not offer policy principles related to it in the following chapter. It is important to consider, however, so as not to lose sight of the bigger picture of how gender-sensitive findings and recommendations can impact society beyond the commission.

Summary

As a whole, the Sierra Leonean TRC was a truth commission committed to understanding and addressing women’s experiences from the very beginning. As in South Africa, features of the commission’s hearings, such as the ability to choose between privacy levels and the convening of women-focused hearings, contributed to the gender-sensitive findings seen in the commission’s report. In contrast with the South African case, however, the TRC in Sierra Leone

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8 In particular, these included UNICEF, the Transitional Justice Working Group (a civil society coalition funded in this case by the German government), and WITNESS (a human rights film-making organization) (Sierra Leone TRC 2004; Sheriff and Bobson-Kamara 2005; United Nations Development Project 2016; Caldwell 2012; WITNESS, n.d.).
understood gendered violence in structural terms, as well as recognizing that such violence occurs on a continuum that exists before and after a conflict. The ability to see gendered violence beyond narrow, individual experiences allowed the SLTRC to produce gender-sensitive recommendations, seeking to address gendered violence on a longer-term, structural level. Additionally, the SLTRC’s sustained engagement with women’s groups in civil society brought gendered concerns to the forefront of the commission’s work from the very beginning, and prevented them from sliding back into obscurity as the commission’s work went on, thus contributing to the sustained gender-sensitivity across both the findings and recommendations. Ultimately, the relevance of these findings and recommendations is perhaps lessened – though certainly not eliminated – by the fact that they were only partially disseminated to the society whose experiences and needs they sought to reflect.

Finally, the SLTRC featured a number of measures that impacted in varying and complex ways on the experiences of the women who participated in it, ranging from the positive provision of comfortable spaces and careful confidentiality measures, to the more ambiguous offer of counselling services, to the negative fact of many people’s distrust for the commission both due to favoritism of the ruling party, and fears of subpoena by the Special Court.

Conclusion

Through analysis of the three cases, I find that producing gender-sensitive findings seems to revolve around the conduct of hearings, especially the choice of whether or not to testify privately, and whether there are hearings that are focused on women’s experiences. In South Africa and Sierra Leone, the presence of each of these features contributed to the more gender-sensitive findings in each of the reports, as women were encouraged to share their experiences in greater number and greater detail. Gender-sensitive recommendations, I find, are developed
through understandings of violence that recognize its *structural* nature, since it then follows that changes must be made on a *structural* level (the level at which recommendations operate). In Sierra Leone, it is this ability to see violence beyond the individual and discrete that sets it apart from the South African case, and most certainly the Ghanaian one. In each of the cases, particular elements of the commission’s operations also affected (for better or worse) the experiences of the women participating in the process, without necessarily impacting the commission’s report. For example, though Ghana’s NRC did not produce gender-sensitive findings or recommendations, it was nonetheless sensitive in providing counselling to those (including women) who testified. Conversely, the Sierra Leone TRC had both gender-sensitive findings and recommendations, yet the commission failed to establish a strong sense of trust with many Sierra Leoneans. These features, though not related to the findings and recommendations, are nonetheless important aspects of my analysis. Finally, I find that strong and sustained engagement with women’s groups in civil society aided the Sierra Leonean TRC in establishing gender-sensitive practices throughout its work, and in maintaining gender as a central and inclusive consideration across both the findings and recommendations in the report.
CHAPTER 4: POLICY PRINCIPLES

In response to my research question, this chapter makes a set of arguments about how to design a gender-sensitive truth commission. The policy principles I propose (‘principles’ rather than ‘recommendations’ in order to avoid confusion with the recommendations in truth commission reports) are organized around the two main themes that structured my analysis in the previous chapter. First, I discuss policy principles for creating truth commissions that produce gender-sensitive findings and recommendations. Second, I lay out a set of principles for creating commissions that are specifically gender-sensitive during their operation; essentially, that offer women a safer, more positive experience of interacting with the commission itself. These two aims of course do not cover the entirety of what it means for a truth commission to be gender-sensitive. This set of policy principles should therefore not be understood as a complete blueprint for designing a commission, rather a more in-depth look into these two particular aspects. Additionally, it is important to remember that while my research is based in existing examples, innovation and invention are crucial in this field.

Policy principles for producing gender-sensitive findings and recommendations

Using the detailed understanding of the Ghana NRC, South Africa TRC, and Sierra Leone TRC developed in the previous chapter, I now wish to compare the cases against each other to more fully isolate those features of their operations which differentiated more and less gender-sensitive findings and recommendations from each other. I present my comparison first in a table (Figure 3), then draw out the relevant policy principles in more detail, organizing them chronologically by when they first come into play in a truth commission process.
### Observations and Associations

<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>Understanding of (gendered) violence</strong></td>
<td>Findings not gender-sensitive</td>
<td>Findings gender-sensitive</td>
<td>Findings gender-sensitive</td>
<td>Combination of mandate with room to focus on gender and inclusive interpretation → more gender-sensitive findings and recommendations.</td>
</tr>
<tr>
<td></td>
<td>Recommendations not gender-sensitive</td>
<td>Recommendations not gender-sensitive</td>
<td>Recommendations not gender-sensitive</td>
<td>Broader understandings of gendered violence → more gender-sensitive recommendations, possibly more gender-sensitive findings.</td>
</tr>
<tr>
<td></td>
<td>No explicit focus on gender.</td>
<td>No explicit focus on gender.</td>
<td>Specified a focus on sexual violence.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Claim of “gender-mainstreaming” throughout.</td>
<td>Interpretation of mandate became more gender-sensitive after 1996 submission.</td>
<td>Interpretation of mandate was inclusive, highlighted women specifically.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gendered violence not considered.</td>
<td>Violence understood as ‘political’, individual incidents. Gendered violence equated to sexual violence.</td>
<td>Gendered violence broadly defined, understood as structural and on a continuum.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No space for stories of women combatants/perpetrators of violence.</td>
<td>Little space for women combatants/perpetrators of violence.</td>
<td>Some space for women combatants/perpetrators of violence.</td>
<td>More space for women combatants/perpetrators of violence → more gender-sensitive findings and recommendations.</td>
</tr>
<tr>
<td><strong>Preparation</strong></td>
<td>Gender-sensitivity training, though not mentioned in report.</td>
<td>Not mentioned.</td>
<td>Gender-sensitivity training, after some problematic questioning occurred.</td>
<td></td>
</tr>
<tr>
<td>Staff</td>
<td>Commissioners mostly men (3 women, 6 men).</td>
<td>Commissioners mostly men (3 women, 6 men).</td>
<td>Commissioners nearly balanced by gender (3 women, 4 men).</td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Staff affiliated with previous violent regimes.</td>
<td>Not mentioned.</td>
<td>Staff somewhat affiliated with previous violent regimes.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Private hearings (but these stigmatized sexual violence).</td>
<td>Private hearings available.</td>
<td>Various levels of privacy available.</td>
<td></td>
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<tr>
<td></td>
<td>No women-focused hearings.</td>
<td>Women-focused hearing included after 1996 submission.</td>
<td>Women-focused hearings.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Counselling offered.</td>
<td>Not mentioned.</td>
<td>Counselling offered.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not mentioned.</td>
<td>Not mentioned.</td>
<td>Care taken for women’s comfort during hearings.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not mentioned.</td>
<td>Not mentioned.</td>
<td>All testimonies of sexual violence heard by women-only panels.</td>
<td></td>
</tr>
<tr>
<td>Conduct of hearings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engagement with women’s civil society groups</td>
<td>No engagement with women’s civil society groups.</td>
<td>Not initial engagement, but accepted suggestions of 1996 submission, thus changing a number of operational features.</td>
<td>Engagement with women’s civil society groups throughout, including before beginning operations.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Greater engagement with women’s groups in civil society → more gender-sensitive findings and recommendations.</td>
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<td></td>
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<td>Figure 3 (continued)</td>
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Before the commission

The mandate of a truth commission is crafted by the governing body that establishes the commission in the first place. According to Ni Aoláin and Turner (2007, 246), how it is written is “critical” in shaping a commission’s ability to highlight gender and women’s experiences. Mandates should thus be written in such a way that a large variety of types of violence can be considered by the commission. As we saw in both South Africa and Ghana, mandates carried no explicit mention of gender or gendered violence (NRC 2004; Tutu et al. 1998), while in Sierra Leone the mandate specified a need to focus on sexual violence, one example of gendered violence (Humper et al. 2004). Though not adequate, this difference in official mandates provided the space for a more inclusive interpretation of the mandate by the SLTRC, which did not happen with either the NRC or SATRC.

The interpretation of the mandate, a standard preliminary step in truth commissions (as seen in their reports), must also be inclusive. Indeed, in Sierra Leone, commissioners interpreted the mandate in a way that broadened it significantly, institutionalizing gender and gendered violence on individual and structural levels directly into the work of the commission (Humper et al. 2004; Muddell 2007; Gyimah 2009). In South Africa, though the Goldblatt and Meintjes (1996) submission caused the commission to seek to incorporate gender more into its considerations, this constituted more of an afterthought than a choice of institutional direction (Kusafuka 2009). In Ghana, the least gender-sensitive of the three cases, gender was not a focus of the mandate, nor did the commission at any point attempt to highlight it unofficially. Instead, it did the opposite: claiming to mainstream gender throughout its process, and ultimately ignoring it almost entirely (Scanlon and Muddell 2009). I therefore argue that the gradation we see from non-inclusive mandate with non-inclusive interpretation (Ghana), to non-inclusive
mandate with somewhat inclusive but unofficial interpretation (South Africa), to somewhat inclusive mandate with official inclusive interpretation (Sierra Leone) indicates that inclusive mandates and official inclusive interpretation contributes to both gender-sensitive findings and recommendations in the commissions’ reports. Gender-inclusive mandates and official, gender-inclusive interpretations are thus key policy principles in achieving gender-sensitive findings and recommendations.

Once equipped with an inclusive mandate and interpretation, it is still important for the commission to understand what sorts of acts can be considered ‘gendered violence’. Commissions should begin by remembering that ‘gender’ does not simply mean ‘women’, or indeed ‘cis-women’ (Anderlini, in Gyimah 2009, 14; Eriksson Baaz and Stern 2014). Incorporating gender-sensitivity into the commission’s work is not a matter of addressing the “woman question”, but rather of developing a deep understanding of how societal conceptions of gender contribute to the dynamics in a society before, during, and after conflict. This includes thinking about the ways in which violence during conflict is gendered, and how this violence exists in pre- and post-conflict situations. It also involves the incorporation of understandings of masculinity and how non-women are affected by gendered expectations in all of these situations (Dal Secco 2008).

In Ghana, we see no understanding of what sorts of incidents can constitute gendered violence, since gender itself was never a focal point of the commission’s report (Gyimah 2009). In South Africa, on the other hand, gendered violence was somewhat acknowledged, but was understood almost exclusively as incidents of sexual violence, and this is the narrative that the commission sought to fit women into when they testified about themselves (Ross 2003). In Sierra Leone, by contrast, gendered violence was recognized in many more forms. Though the
SLTRC report is not perfect and does not address all forms of gendered violence, there is again a clear gradation in the breadth with which gendered violence was understood, from Ghana (no understanding), to South Africa (narrow understanding), to Sierra Leone (relatively broad understanding). I therefore claim that broader understandings of what acts can constitute gendered violence contribute to more gender-sensitive findings and recommendations in reports. Having this broad understanding is therefore crucial for truth commissions in seeking to produce gender-sensitive reports.

In addition to understandings of what types of acts constitute gendered violence, commissions should also conceptualize gendered violence as a structural, systematic issue, in addition to an individual one. Again, in Ghana, gendered violence was hardly acknowledged, and its structural components were certainly not. In South Africa, structural aspects of gendered violence were also not recognized. Sierra Leone, on the other hand, understood gendered violence more systematically, and even considered its existence both before and after the conflict. There is thus a distinct difference between Sierra Leone and the other two cases in terms of the understanding of the structural components of gendered violence that was developed by the commission. It is unclear how different the South African and Ghanaian cases are, given that neither recognized the structural nature of gendered violence, but Ghana did not recognize gendered violence at all. I therefore argue that the recognition of structural aspects of gendered violence contributes to more gender-sensitive recommendations certainly, and perhaps also more gender-sensitive findings. Either way, commissions should absolutely ensure that gendered violence is considered on a structural as well as an individual level.

It is also important to remember and recognize the entirety of women’s experiences in conflict, beyond simply being the targets of gendered violence. Women are combatants and
perpetrators of violence, and this can be a complex experience which often does not fit into expected narratives. For example, women combatants may find empowerment through aspects of fighting, which is then lost after the conflict ends (Eriksson Baaz and Stern 2014; Berger 2016). Post-conflict societies must address the violence that is inherent in revoking freedoms gained during the conflict itself, and cannot do so if they neglect to hear these experiences. While the Ghana NRC does not mention women who perpetrated violence, the SATRC includes a 3.5-page section on them, though much of it seems to emphasize how women were less violent than their male counterparts (Tutu et al. 1998, vol. 4, 314–17), rather than acknowledging the ways in which women can be violent, or how this can be experienced as liberating. The SLTRC is somewhat more nuanced, though still falls into patterns of describing women combatants as “suffering”, thus reinforcing narratives of victimhood that deny women’s agency (Humper et al. 2004, vol. 3b, 186–91). None of these commissions, therefore, were effective in recognizing experiences of women outside of a woman-victim trope. I suggest that the greater willingness, in South Africa and Sierra Leone, to at least acknowledge that women could be perpetrators is connected to the more gender-sensitive findings in each of those cases. Overall, making space for women as combatants and perpetrators is something that future commissions should strive for more consciously.

Shifting focus to more outward-looking policy principles, commissions should form strong links with women’s civil society groups before they begin their operations so as to be able to draw on these links throughout their work (Mantilla and Anderlini 2006; Nesiah 2006). In Sierra Leone, these links were vital in providing the commission early insight into the kinds of violence women experienced during the conflict, which helped the SLTRC prepare to hear and address those kinds of violence (PILPG 2013). Women’s civil society groups can also aid in
training commission staff, and can offer outreach and support services that commissions themselves may not have the resources to provide, as they did in Sierra Leone (Humper et al. 2004, vol. 1, 143). Furthermore, strong voices from women’s civil society groups can help to correct commissions when they are functioning in less gender-sensitive ways, as was the case in South Africa with Goldblatt and Meintjes’ (1996) submission. In terms of outcomes, the gradation we see – from Ghana, where women’s groups were not at all involved in the commission’s work; to South Africa, where women’s groups inserted themselves sporadically into the commission’s work; to Sierra Leone, where the commission set out from the beginning to involve women’s groups – indicates that greater involvement of these groups contributes to greater gender-sensitivity in both findings and recommendations. Truth commissions should therefore actively engage with these groups throughout their time in operation (that is, beginning as early as possible and continuing until the commission ceases to exist).

**During the commission**

Commissions should conduct special hearings to highlight the specific experiences of women before, during, and after the conflict in question. This allows the commission to establish a broader picture of the ‘continuum of violence’ in which women exist. Additionally, space should be made for women to share experiences not of suffering or related to being a civilian, since women perpetrators of violence, including women combatants, are an often-overlooked group (Ní Aoláin and Turner 2007; Eriksson Baaz and Stern 2014). Specialized hearings are important in that they indicate a commitment on the part of the commission to highlight women’s experiences. Women’s hearings may also be women-only, which can be particularly helpful in eliciting testimonies from those who might otherwise not choose to testify. The fact that both South Africa and Sierra Leone held women-focused hearings, while Ghana did not,
indicates that the presence of these hearings contributes to more gender-sensitive findings. Truth commissions should therefore ensure that these hearings are planned for and carried out routinely as part of their operations.

Outside of special women’s hearings, ‘regular’ hearings should be flexible in their format to accommodate a range of comfort levels with testifying about one’s experiences. This was the case in Sierra Leone and to a lesser extent in South Africa. Sierra Leone in particular offered a variety of levels of privacy within the hearing process (PILPG 2013). South Africa also offered private hearings to those who requested them, though with less of a range of privacy options than Sierra Leone (Durbach 2016, 374). Ghana also held private hearings for testimonies of sexual violence (Oduro 2013b). However, these were not ‘offered’ so much as required, in order to protect “public morality” (NRC 2004, para. 2.6.3.2.3). I therefore understand Ghana to have engaged in a form of further stigmatizing these experiences, while South Africa and Sierra Leone accommodated for existing stigma without imposing the expectation that testimonies of gendered violence, and particularly sexual assault, should be stigmatized. Given this, I argue that offering private hearings – at the discretion of those testifying – contributed to the more gender-sensitive findings of the South African and Sierra Leonean commissions. Truth commissions should therefore ensure the availability of various levels of privacy in their hearings, and always offer a choice to the person testifying of what they are most comfortable with.

One format that hearings should not follow is that of Ghana’s NRC, in which hearings resembled courtroom proceedings. Features of courtrooms to be avoided include the creation of hierarchical distinctions between witnesses and commissioners, and adversarial questioning of witnesses, including by those they accused of harming them (Valji 2006). Such practices, present in Ghana, are absent in both South Africa and Sierra Leone. I therefore contend that the absence
of a courtroom-like hearings format contributed to the greater gender-sensitivity of findings in the SATRC and SLTRC. Truth commissions should therefore pay special to avoiding this type of hearing format.

**After the commission**

Even after implementing all of the policy principles described above, there remains, of course, the step of actually writing the report in a gender-sensitive way. This means following through on the commitments to recording and addressing gendered violence that arise from the policy proposals I have enumerated thus far. At an absolute minimum, truth commissions should write reports that meet my criteria for gender-sensitivity in findings and recommendations, including acknowledgement of the gendered nature of violence and multiple accounts of it in the findings, and *specific* recommendations addressing gender in a direct way. These criteria form an absolute minimum standard for gender-sensitivity in a truth commission report, however, and I urge truth commissions to go far beyond them. As discussed in the case of Sierra Leone, disseminating gender-sensitive reports is also key, and whichever organizations carry out this task should attempt to create as many modalities as possible for accessing the report, in order to give it the best possible chance of having a meaningful impact.

**Summary**

The policy principles proposed in this section have centered around the end goal of producing a report that contains both gender-sensitive findings and recommendations. Many of the policy principles that apply *before* the commission’s main work of hearings and statement-taking begins relate to how gendered violence is understood, and is focused on, by the commission, as well as the creation of support and accountability mechanisms within women’s civil society. In the comparison of cases in *Figure 3*, we see that these policy principles are
associated with more gender-sensitive findings and recommendations overall. Policy principles that apply during the commission’s main work relate to the conduct of hearings, and our case comparison reveals that these principles are associated with more gender-sensitive findings specifically. Ultimately, the implementation of all of these policy principles is important in producing more gender-sensitive findings and recommendations, and the commitment to gender-sensitivity must endure through the writing of the report itself, as well as any report-dissemination activities that the commission is able to undertake.

**Policy principles for gender-sensitive truth commission processes**

As we can see in Figure 3, many of the features I touched on in the previous chapter are not associated with more or less gender-sensitive findings and recommendations once the cases are considered comparatively. However, these features can be important nonetheless. In particular, many of them suggest possibilities for creating truth commissions that are specifically sensitive to women during their process.

**Commission staff and training**

One aspect of my case comparison, which appears to be associated with more gender-sensitive recommendations is the gender balance of the commissioners. Specifically, the SLTRC, which had an almost equal number of men and women commissioners, is differentiated from the NRC and SATRC, each with only one third women commissioners. We might then be tempted to say that greater proportions of women commissioners contribute to more gender-sensitive recommendations. However, in the larger table developed in Chapter 2 (Figure 1, page 32), we see that the Timor Leste 1999-2000 commission, which had more women than men commissioners, ended with neither gender-sensitive findings nor recommendations. I therefore cannot conclude that a greater proportion of women commissioners produces more gender-
sensitive recommendations. However, I claim that more gender balance among commissioners is nonetheless important for women’s experience of the commission process. Scholars indicate that women feel more comfortable testifying to women commissioners (for example, see Nowrojee 2005), and that women commissioners have consistently been those to push for greater gender-sensitivity (Mantilla and Anderlini 2006; Borer 2009). Moreover, DeLaet (2006) asserts that commissions themselves should be models for the gender-sensitivity they seek to enact. Commissions should therefore select greater numbers of women commissioners than they typically have done (ideally at least half, if not more), in order to model this gender equality, give women participating in the commission a greater ability to testify comfortably, and promote more gender-sensitive practices throughout the commission’s operations.

Commission staff should also be selected, and should behave, in ways that help women participating in the commission feel comfortable and safe in doing so. Commissioners and statement-takers are the interface between the commission as an abstract body and the members of the public who interact with it. One issue that came up in both Ghana and Sierra Leone, and thus seems unrelated to the gender-sensitivity of findings or recommendations, was the employment of staff who were distrusted by individuals who might have testified to the commission. This had both gendered and non-gendered impacts of creating fear and reluctance around testifying. Therefore, this sort of association between political regimes and violence on the one hand, and commission staff on the other, is something to avoid in designing a truth commission that is sensitive to women in its process.

Commissions should ensure significant gender-sensitivity training for all commission staff. This must include basic components, such as the importance of believing survivors’ accounts of sexual violence and not blaming them – as initially happened in Sierra Leone
(Mantilla and Anderlini 2006) – but also more complex components of what gendered violence is, how to incorporate gender-sensitivity into each aspect of the commission, and what roles non-women in particular can play in this, since there was an assumption across all three of my cases that only the women commissioners would be the ones responsible for bringing gender issues to the commission (see, for example, Mantilla and Anderlini 2006). The goal of training should then be that all staff become committed to and knowledgeable about gender-sensitivity considerations throughout the commission’s work. Though gender-sensitivity training is not a feature I find to contribute to more gender-sensitive findings or recommendations, since it was present in both Ghana and Sierra Leone, I, along with Nesiah (2006, 12), nonetheless see it as a feature that has the potential to improve women’s experiences interacting with the truth commission itself.

Counselling services

Offering counselling services to individuals who testified was a feature of both Ghana and Sierra Leone’s truth commissions (Oduro 2013b; Teale 2009). The case comparison therefore indicates that this was not a crucial feature in producing more gender-sensitive findings or recommendations. However, I argue that it is a feature with the potential to improve women’s experiences – and non-women’s experiences, for that matter – of interacting with the commission. Counselling can be an outlet for and a space to process some of the trauma occasioned in the conflict itself, outside the conflict, or indeed in the interaction with the truth commission (Valji 2007, 17). DeLaet (2006) also points to trauma therapy as a way of creating a space for truth-telling that involves less pressure than a truth commission. This is complicated, though, by Teale’s (2009) implication that some women chose to testify at the SLTRC in part because of the offer of counselling services, but later felt worse than they had before testifying.
Counselling can therefore improve women’s experiences, but can also become unhealthy if it ‘lures women in’ to testify who might otherwise not wish to. Matiangai V. S. Sirleaf (2014, 2323) also points out that counselling, which should ideally be offered beyond the operation of the truth commission itself, is especially unsustainable in countries which lack resources or where infrastructure has been severely damaged by the conflict itself, such as in Sierra Leone after the civil war. My sense is that counselling should certainly be provided if it is possible to sustain it in the longer term. If not, then I suggest that it can still benefit those who would participate in the commission anyway, since having the option of a counselling outlet is better than no option. However, counselling services should be carefully publicized to try to avoid ‘luring’ people to testify with the promise of such services.

**Hearings**

Commissions should be attentive to women’s comfort as they participate in the process, and should seek to offer comfort and support in conjunction with hearings and testimonies, as was the case in Sierra Leone (Nowrojee 2005). The fact that these measures were taken in Sierra Leone, but neither South Africa nor Ghana, might lead us to say that they contribute to more gender-sensitive recommendations. However, this does not logically make sense, as there is no reasonable causal mechanism that would connect these elements of care and comfort around hearings to a report’s recommendations. I do, however, contend that these measures contribute to women’s more positive, or at least safer, experiences with a commission, and that they are therefore important to implement.

Another way to improve women’s experiences and interactions with the truth commission process itself is to incorporate feminist modes of listening into hearing practices. This includes treating emotions as valuable, treating all pain as valid without needing to compare
it to others’, and trusting the stories told (Basini 2016; DeLaet 2006). I understand these ways of listening to be feminist in that they elevate modes of expression that are non-dominant but nonetheless valid. Listeners (commissioners, statement-takers) should also respect women’s agency over their own stories. Stories should not be twisted to fit within particular meta-narratives, as sadly happened in South Africa (Ross 2003). Twisting of stories can also occur with women’s narratives of liberation and empowerment during conflict, since narratives of agency – particularly for women combatants – may not fit within the broader narrative that a society understands in regards to women in conflict (Dal Secco 2008). These stories are then at particular risk of being overlooked, or coopted into the dominant narrative of victimhood, and a particular effort on the part of the commission to hear them can thus improve the experience of women who wish to share such stories.

Commissions should also avoid any exclusive focus on victimhood narratives for women. While it is important to recognize when someone has been made a victim, it is also important not to assign that identity to individuals who do not wish to claim it. Overarching narratives of women’s victimhood in particular can entrench societal norms of viewing women as weak and in need of protection (Sirleaf 2014, 2315), the very same norms which play into much of the violence targeted at women during conflicts (Kent 2016; Eriksson Baaz and Stern 2009). Dal Secco (2008, 85) also points out that monolithic narratives of victimhood fail to recognize the ways in which women may actively choose to represent themselves as ‘victims’ both during and after conflict, as it can afford them access to resources and aid. Such situations blur the perceived dichotomy of victim/agent as they represent women’s agency over how they portray themselves. There must be space for these kinds of narratives within the truth commission.
One additional issue that I wish to address in this section is Sierra Leone’s implementation of a system in which women testifying about rape could only be questioned by women commissioners, and where women whose testimony became about rape would be informed that they could wait until a woman commissioner was present if none were. Though not perfect – particularly in the ways that it reifies rape as the ‘ultimate’ experience of gendered violence, and in the way it excludes non-women’s experiences of rape – this also provides a ‘feminist’ mode of listening, in that it recognizes the tendency for women to feel more comfortable relating these kinds of stories to other women (Nesiah 2006), and institutionalizes a system in which that is ensured. I am therefore unable to conclude whether or not I see this as a net positive or negative aspect of a truth commission’s operations in terms of gender-sensitivity. I suggest that a preferable policy is to ask those testifying if they have a preference for the gender of those who will question them, or before whom they will testify, and to then accommodate any preferences.

Summary

In seeking to create truth commissions that are safer, more positive environments for the women who participate in them, special attention should be given to those factors that do not directly produce more or less gender-sensitive findings and recommendations, but which are nonetheless tied to how the commission operates. In particular, the policy principles I have developed here focus on careful attention to the selection and behavior of commission staff, the provision of comfortable spaces and services in conjunction with hearings, and the importance of listening to women as complex individuals, rather than as examples of a dominant narrative.
**Conclusion**

In this chapter, I have outlined a set of policy principles that truth commissions should implement in pursuing the goal of gender-sensitive reports, as well as gender-sensitive processes. As I touched on in relation to the dissemination of reports, there are many other aspects to a truth commission that make it ‘gender-sensitive’, broadly understood. For my purposes as I conclude this thesis, though, I consider a gender-sensitive truth commission to be one that is sensitive to women in its process, and produces gender-sensitive findings and recommendations in its report. The policy principles that I have explored here, while key components of achieving each of these outcomes, should be understood as only the beginning. Inherently confined by their basis in my case analyses, they represent only a small fraction of what truth commissions can and should do to pursue gender-sensitivity. However, these are viable, feasible policy options, and truth commissions should therefore operate with these as a basis upon which further gender-sensitive measures can be built.
IMPLICATIONS AND CONCLUSIONS

In a thesis focused on viable policy principles, the question of impact should never be far from our minds. Do the policy principles I have proposed in the previous chapter actually matter? If their implementation results in what we might call a ‘gender-sensitive truth commission’, what can that commission actually achieve, and what will it never be able to achieve? These are the questions that guide this final chapter. Ultimately, I identify some parameters of what these commissions can do, and what they cannot. In doing so, I hope to – briefly – touch on the scope of truth commissions as a form of transitional justice.

Limitations of truth commissions

Truth commissions are inherently limited in a number of ways. There are certain things these commissions simply cannot achieve, including in relation to gender. Identifying and understanding some of these limitations does not render gender-sensitive truth commissions meaningless. Rather, it helps us to develop a realistic understanding of what we should (and should not) expect from an implementation of the policy principles outlined in the previous chapter.

One limit of truth commissions is their inability to understand what cannot be expressed verbally, either by speaking or in writing, due to the modalities by which they collect testimonies. Yet, as Ní Aoláin and Turner (2007, 275–76) explain, there are truths which cannot be expressed in words. Indeed, the use of non-verbal modalities of expression seems notably more common in women (Motsemme 2004). Women in the South African TRC, for instance, sometimes expressed experiences in ways that were not legible to the Commission, such as “crying, whimpering, and inarticulate screeching” (Motsemme 2004, 916). These forms of
expression are rarely recognized by truth commissions, which therefore can never gather a complete picture of events, or offer all survivors of violations the ability to be heard.

Another limit of truth commissions is in what Gyimah (2009, 8) identifies as their “rights-based approach to justice”. Essentially, Gyimah (2009) argues that truth commissions will always focus on the restoration of civil and political rights, to the exclusion, or at least the neglect, of social and economic rights. The reason for this is that men tend to emphasize the importance of civil and political rights, and therefore institutions such as truth commissions, which operate in the patriarchy of the state system, privilege those rights above others (Gyimah 2009). This causes problems for women, not only because they may be more interested in other categories of rights, but because civil and political rights are dominated by the concerns of men, who according to Ní Aoláin and Turner (2007, 237) have defined the parameters of these rights around what they (the men) are afraid of. While this is not an ‘inherent’ limitation exactly, since in theory truth commissions could focus more on social and economic rights, Gyimah (2009) emphasizes that in practice, men’s needs will always be prioritized in these kinds of processes, regardless of the intent with which they set out, making this limitation ‘effectively inherent’.

Finally, truth commissions are limited in the way all transitional justice mechanisms are: they cannot do everything. As a form of restorative justice, truth commissions can help to center the stories and needs of those harmed by conflict, and can seek to heal those harms through reconciliatory means (Gibson 2006; Gyimah 2009; Ní Aoláin and Turner 2007). While these objectives are important, restorative approaches and truth commissions specifically cannot meet all of the complex needs that exist within a post-conflict society, including women’s particular needs, such as reform of social and economic structures, or acknowledgement of the severity of the violence committed against them. Other approaches to transitional justice exist, however,
which can offer additional ways to meet these needs. For instance, retributive justice approaches can send a message that gendered violence will not be met with impunity, through criminal prosecution and punishment (Teale 2009). Locally based justice models can offer women ways of addressing violence within culturally meaningful frameworks (Shaw 2005). Distributive justice can reapportion economic and other resources in ways that disrupt exclusionary structures and center economic and social rights (Rubio-Marin and de Greiff 2007; Gyimah 2009).

Ultimately, no single approach to transitional justice, truth commissions included, will ever be able to do everything. This does not, however, mean that truth commissions cannot be useful – it simply indicates that they should be used in combination with these other processes (de Greiff 2012, 35; Olsen, Payne, and Reiter 2010)

**Extent of impact**

In contrast with the section above, which outlines some of what truth commissions cannot do, this section seeks to briefly outline some of what gender-sensitive truth commissions can achieve for women in the societies in which they operate. Despite much hopeful rhetoric around transitional justice, including truth commissions, as a momentous ‘opportunity’ for social transformation (see, for instance, Dal Secco 2008; PILPG 2013; Teale 2009), in practice many scholars argue that truth commissions create limited to no change for women in the societies in which they operate (see, for instance, Stanley 2001; Ibeanu 2001; Cockburn 2004; Ni Aoláin and Turner 2007; Valji 2007; Scanlon and Muddell 2009; Gyimah 2009; ICTJ 2010). I contend that a middle ground exists: gender-sensitive truth commissions can achieve certain valuable outcomes, without succeeding in reforming entire societies. I will specifically touch on three outcomes here: the symbolic value of recognizing women’s experiences, the intrinsic value of improving
the truth commission process for the women participating, and the political value of truth
commission reports for women’s civil society groups.

On a symbolic level, gender-sensitive truth commissions – and particularly their reports – are valuable in their public acknowledgement of women’s experiences. De Greiff (2012, 42) writes that one aim of transitional justice is to “[grant] victims moral standing as individual human beings.” The acknowledgement of individual – and sometimes collective – experiences of gendered violence is one way of attaining this goal. Building on this, Bosire (2006, 74) explains that “the state has a duty to remember the victimization of its citizens. Such remembrance can constitute symbolic reparations.” Gender-sensitive truth commissions therefore offer symbolic reparations to women, specifically, by remembering the violence they have experienced and thus granting de Greiff’s ‘moral standing’. This goal is achieved especially through gender-sensitive reports (Valji 2010a). Goldblatt and Meintjes (1999, 1) offer a concrete example of the potential value of truth commission reports as symbolic reparations in the context of South Africa:

The TRC Report is the closest thing South Africa has to an official history of apartheid. In a few years time when the TRC itself is a distant memory, the Report will remain as the legacy of an extremely important process in South Africa’s transition to democracy. The way in which the Report represents our history has implications for our national consciousness as well as that of future generations.

Research such as mine, which has focused especially on the ways to achieve more gender-sensitive reports, is particularly pertinent to achieving this kind of symbolic reparation, since it is the commission’s report that offers the long-lasting recognition women require.

As I have touched on many times throughout this thesis, there is also intrinsic value in a truth commission process that is sensitive to the women participating in it, regardless of whether this has any broader impact on society, or even on the commission’s report. It is my belief that women deserve as safe and sensitive an interaction as possible with a truth commission in their
Truth commissions are increasingly in use (Hayner 2011, 12), and therefore women will continue to experience these commissions – as staff and commissioners, but especially as witnesses and would-be witnesses. In the three cases we have looked at alone, more than 14,506 statements were given by women to the commissions, indicating that we are dealing with vast numbers of impacted lives. Gender-sensitive truth commissions, then, are important in that they can offer women an experience of the process that is positive, or at the very least safe. The policy principles I suggest in the second half of Chapter 4 are geared towards achieving this goal.

Finally, designing and implementing gender-sensitive truth commissions has political value because these commissions’ reports – particularly the recommendations – can serve as a basis for women’s civil society groups to demand gender justice from their governments. In practice, a truth commission’s recommendations are rarely implemented quickly and on a government’s own accord (Bakiner 2014). Instead, they are more likely to produce an indirect impact on civil society, whereby groups mobilize around the recommendations and, over time, hold the government to account in implementing them (Bakiner 2014, 23). Naturally, this relies on the effective dissemination of the report to those groups, which can then mobilize around it. In Sierra Leone, this dissemination was only partially effective, and so we might expect that women’s civil society groups did not mobilize around the report. In fact, we see a limited – yet nonetheless present – engagement of these groups with the report’s gender-sensitive recommendations.

9 This may be somewhat controversial, since some women participating in the commission are perpetrators of violence, and attention to the positivity of their experiences might be unpopular. I contend that as a restorative justice process, a truth commission should not seek to punish any participant, including a perpetrator of violence, through their experience of participating. Furthermore, the boundaries between those who perpetrate and those who experience harm can be fluid, and many women both perpetrate and are harmed by violence during conflicts (McKay 2005).

10 This number is calculated based on the percentages of statements given by women at each of the three commissions, listed by Valji (2010a, 12), cross-referenced with the total numbers of statements received as detailed in each of the commission’s reports.
The SLTRC’s recommendations related to gender have largely not been implemented (Denney and Fofana Ibrahim 2012, 5), and in the initial years after the TRC’s conclusion, it seemed that women’s civil society groups were not interested in mobilizing around them in demanding greater gender equality. Specifically, Teale (2009, 84) describes women’s advocacy around the 2007 “Gender Bills”, a set of three major legislative changes that gave women more legal rights in situations of domestic violence, inheritance, and marriage and divorce. She notes that “the fact that the TRC recommended these changes was not a strategy made by women lobbying for the laws and their passage is not generally linked back to the TRC” (Teale 2009, 84). However, since then, Valji (2010b, 13) has noted civil society mobilization around the recommendations, urging the government to fulfil its obligation to implement them. In 2014, the Sierra Leone Women’s Forum based a set of demands for constitutional change on the TRC’s recommendation that “clauses in the Constitution that discriminate against women be reviewed or expunged”, arguing that this still needed to happen (Sumner 2014). In Sierra Leone, we therefore see some use of the TRC’s gender-sensitive recommendations as a strategic basis to make demands to government for greater gender equality.

Based on the Sierra Leonean example, we can see that gender-sensitive truth commission recommendations certainly have the potential to mobilize women’s civil society groups, and we can imagine that this mobilization may have been greater if the report had been more widely disseminated. Beyond this, though, it is clear that not having gender-sensitive recommendations removes any possibility of them being used as a lobbying platform. Producing gender-sensitive recommendations therefore does not automatically mean that women’s civil society groups will mobilize, or that this mobilization will be successful. But not producing them leaves no possibility for this in the first place. Gender-sensitive recommendations are thus important in, at
the very least, offering an additional platform from which women’s groups in civil society can demand gender justice from the state.

In summary, despite certain inherent limitations of truth commissions in relation to women and gender issues, and while the implementation of the policy principles I outlined in Chapter 4 may not directly dismantle patriarchal structures, adhering to (and improving on) those principles can be valuable nonetheless. Gender-sensitivity in truth commissions does matter, and has implications for women and for society in a variety of ways. Functioning as a form of symbolic reparations, gender-sensitive reports offer acknowledgement and recognition to women. Attention to gender-sensitive aspects of the process offers women a safer experience of participating in truth commissions, safety which I see everyone as intrinsically deserving of. And gender-sensitive recommendations, even if they are not implemented, provide women’s groups in civil society with one more platform from which to lobby government.

**Summary**

How do we design a gender-sensitive truth commission? This is the policy-oriented question around which my thesis has been based. In answering it, I have drawn on theory, as well as existing policy knowledge and in-depth case analyses to develop a set of policy principles that offer the beginnings of a response. Gender-sensitivity is spectrum, and no truth commission will ever succeed in being entirely gender-sensitive. Furthermore, the gender-sensitivity I am arguing for is based only on the narrow breadth of existing examples, and far more invention and innovation is needed in order to advance further in this field.

Despite these limitations, however, my policy principles represent some of the many key features in conducting gender-sensitive truth commissions. These principles are, in part, centered around producing gender-sensitive findings and recommendations in the commission’s report.
As the ‘output’ of the commission, this report has the potential to be both a symbolic and practical resource in the larger pursuit of effecting meaningful change in the gender regimes of a society. The policy principles also feature elements targeted at the experiences of women participating in truth commission processes. While these features perhaps do not have a longer-term impact than the life of the commission itself, ensuring that women have more positive, or at least safer, experiences is an intrinsically valuable goal.

Ultimately, much of my research winds up at the question of impact. How can we create truth commissions that meaningfully address the continuous gendered violence occurring in a society? And how, through the mechanism of a truth commission, can we begin to dismantle the systems of this violence? These are the questions that originally brought me to this work, and they are the questions with which I conclude. Future research efforts might examine ways that truth commissions, in conjunction with other mechanisms of transitional justice, can effect these sorts of changes in society. The purpose of transitional justice is, at its heart, to break away from the violence of the past and lay the foundations for a more just and peaceful future. Recognizing, understanding, and eventually breaking the continuum of gendered violence that exists before, during, and after conflict must become one of the core projects of this field if that just and peaceful future is ever to be achieved.
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