**Gender, Poverty and Violence: Transitional justice responses to converging processes of domination of women in eastern DRC, northern Uganda and Kenya**

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**Abstract**

Gender, poverty and violence readily intersect in women’s lives with profound impacts for women entrenching cycles of violence, disadvantage and disempowerment across women’s lives in private and public domains. These effects are exacerbated in situations of armed conflict and in post-conflict societies where women are often targeted for particular types of violence, forced to enter into exploitative or abusive relationships and are routinely under-represented in key political, legal and economic decision making structures. Drawing on extensive fieldwork material we examine the complex and mutually constitutive ways in which gender, poverty and violence interact to shape the lives of women living in three conflict and post-conflict societies; eastern Democratic Republic of Congo (DRC), northern Uganda and Kenya. Finally, we consider the role of transitional justice, arguing for a more holistic approach with greater attention to gendered social and economic structures and better integration of the various mechanisms of transitional processes.

**Introduction**

Gender, poverty and violence readily intersect in women’s lives with profound impacts for women, entrenching cycles of violence, disadvantage and disempowerment across women’s lives both in private and public domains. These effects are exacerbated in situations of armed conflict and in post-conflict societies where women are often targeted for particular types of violence, forced to enter into exploitative or abusive relationships and are routinely under- or not represented in key political, legal and economic decision making structures (Rehn & Sirleaf, 2002 pp. 1 - 19). In this paper we examine the complex and mutually constitutive ways in which gender, poverty and violence interact to shape the lives of women living in three conflict and post-conflict societies; eastern Democratic Republic of Congo (DRC), northern Uganda and Kenya.

This paper arises from a current research project *Making Transitional Justice Work for Women: Rights, resilience and responses to violence against women in northern*

*Uganda, Kenya and Democratic Republic of Congo*[[2]](#footnote-2), exploring women’s experiences of justice following mass violence. The research is a qualitative study drawing on testimonies gathered from approximately 200 women affected by violence in multiple conflict affected sites in each country through in-depth semi-structured interviews. The project also involves interviews with key informants ranging from community and traditional leaders to experts working in justice and transitional justice fields including law, psychosocial services, health, development, policy and administration in each country and in the international community. This paper is a reflection of early thinking around how gender, poverty and violence has been discussed by the women we interviewed.

While the focus of this paper is on violence in conflict and post-conflict settings, it is important to recognise that violence against women, both direct and structural, is better understood as a continuum of violence throughout women’s lives in both conflict and peace. Many of the women in this research have talked about a continuity of violence throughout their lives, with the violence experienced during the conflict as one phase and domestic and civil violence described as ongoing. Approaches that distinguish conflict related violence against women as ‘exceptional’ tend to lead to justice responses which, at best, leave violence against women in peace untouched or, at worst, reinforce analytical and policy divisions making it even more difficult to reduce all types of violence against women (for more see Grewal, 2010, Chesterman, 1997, Annan & Brier, 2010).

Gender, poverty and violence interact in dynamic and productive ways which are exacerbated during conflict and continue after conflict in a manner that is highly relevant for designing transitional justice mechanisms that have potential for achieving greater gender justice. We first draw on four narratives to outline the ways in which gender, poverty and violence emerge as mutually constitutive forces in the lives of the women we interviewed through the use of four primary case studies, drawing on other women’s testimonies to further explain the complexities, similarities and variations emerging in each research site. We then consider the implications of this framework for transitional justice processes and practices, arguing for a more holistic approach to women’s needs with greater attention paid to gendered social and economic structures and better integration of the various mechanisms of transitional justice processes.

**Exploring the intersections of gender, poverty and violence: The experiences of four women – Valerie, Hannah, Grace and Miriam**

Much scholarship has traced the ways in which violence is gendered: that women face particular types of violence and are more likely to face violence in relationships and sites that are, socially at least, understood as ‘safe’ (notably in familial relationships and in the home) (Bunch, 2008; Freedman & Jacobson, 2012; Shepherd, 2008; Polk, 1994). A key feminist project over the last half century or more has been to articulate the ways in which the social positioning of ‘woman’ both creates a structural susceptibility to particular types of violence *and* is obstructive of women’s efforts to make law, policy and culture respond to such violence in effective and just ways (Brock-Utne, 1989; Mazurana & McKay, 2001). Additionally, the social construction of women as second class citizens or as ‘naturally’ belonging in the private sphere (with engagements in the public world mediated through male relatives) leads to their having less access to economic, political and other material resources, resulting in women being more likely to live in poverty (Liebling-Kalifani et al, 2008; Amnesty International, 2005). In this way, gender relations can be seen as causal in creating both poverty and violence for women (Amnesty International, 2009; Cagatay, 1998; McFerson, 2010 pp. 56 - 59).

Less predominant in the literature, but revealed with alarming clarity in the testimonies of women we interviewed, are the ways in which both poverty and violence contribute to and even help produce, unequal gender relations, exacerbating the already difficult position of being a woman in a patriarchal society. We argue that poverty and violence create inequality not only in individual women’s lives, but are causes (as well as consequences) of the unequal position of the social status that being a ‘woman’ entails. Women who are kept busy each day seeking the means of survival (for themselves and their children or others in their care – orphans, elderly, sick, injured) or evading or recovering from violence, are the least able to engage in the political and social struggle which is absolutely necessary if the social meanings attributed to ‘woman’ are to be addressed. This element of the gender-poverty-violence cycle is especially important to understand as it has long term implications for moving beyond a life preoccupied with survival and towards a life which might aspire not only to greater safety and the meeting of basic needs, but also to one in which the existential and political aspects of life may become a possibility.

Gender, poverty and violence interact in dynamic and mutually constitutive ways to shape and delimit women’s lives. Articulating the relationships between these phenomena in a way that meaningfully captures their fluidity and mutuality is difficult. The women who spoke with us however, conveyed the productive interaction between gender, poverty and violence powerfully through their story telling and we attempt to convey this here. It is through the stories of a small number of women that we trace these dynamics. We begin with gender as causal in violence, and as a social construct, rather than a pre-existing social fact. By beginning with gender we do not propose that gender is the starting point with violence and poverty subsequent and secondary effects. Rather, we emphasise the circularity and mutuality of all three phenomena, each producing and reproducing the others. Recognising the mutually interactive and constitutive nature of gender, poverty and violence, and the different sites at which their interconnectedness are commonly reinforced, is important in order to alert and direct development of transitional justice mechanisms to such sites and enable targeted interventions. We begin, therefore, with the narratives of four women from the three countries under study.

*Valerie and Hannah, Eastern DRC*

The conflict in eastern DRC is highly complex, involving local self-determination struggles, conflict over access to resources, armed self-defence units and, destabilisation efforts from neighbouring Rwanda (Nangini et al., 2014).[[3]](#footnote-3) There are currently 54 active militia groups operating in eastern DRC and the conflict has been marked by the widespread rape of women (Chaikel, 2011). A recent large-scale quantitative study estimated that there are 1,150 rapes committed every day in DRC (Peterman et al., 2011, p. 1064).

Valerie[[4]](#footnote-4) was preparing to return to her university studies in Goma at the end of a visit to her parents when rebels attacked their village. Valerie and her cousin were both taken to the forest by rebel soldiers ‘to become their wives’ (interviewed in Rutshuru, April 2014). Valerie escaped when her captors were engaged in battle with another rebel group and she managed to return to her family home. As a university student, Valerie had been enjoying significant privilege relative to most other women living in DRC where literacy rates among women sit at 52%, and where 77% of women work as subsistence farmers (Bartels et al., 2010, pp. 40, 42). Only 10.7% of adult women in DRC have attained secondary or tertiary level education compared to 36.2% of men (UNDP, 2013). Her relative privilege proved to be precarious and ultimately insufficient to overcome entrenched constructions of women holding social value as bearers of family and group honour. In addition to the physical and emotional impact of her abduction and rape, Valerie’s life has been fundamentally changed by the attack. Upon her return, regardless of any immediate care and sympathy from her family, her social position is now defined by the rape, as she told us, ‘Since then, I did not happen to go to university for my parents were disappointed to pay for a raped girl who is useless in future life.’[[5]](#footnote-5)

Despite Valerie attending university contrary to local gender norms (MICS, 2010), arguably Valerie was not a rights bearing political subject in her own right, as the fall from ‘university student’ to ‘raped girl’ so tragically demonstrates. It was through her relationship with her family that Valerie had been able to study. Her family were willing (and able) to push gender norms and expectations to a certain point, but while the category ‘woman’ remains a secondary status group, she (and others) are unable to substantively liberate themselves from heavily gendered expectations. Valerie’s story is particularly telling because of the social distance between her status before and after the attack, but the dynamics both of the attack and of the social consequences were repeated by many women. Women from diverse age and socio-economic backgrounds echoed the theme of being ‘nothing’ and ‘useless’, with one woman saying that ‘death would have been better (than rape).’ Hannah, a 41-year-old woman explained that

… before being raped my health was very fine and I had sufficient means. After rape, my husband left me… I am unable to do anything for myself. Even if he comes, I am unable to satisfy his needs, so I am nothing in the society (Interviewed in Rutshuru, April 2014).

Once Hannah was unable to satisfy her husband’s needs she lost her value not only to him, but to society as well. Hannah’s rape tarnished her honour, causing her husband to abandon her, and without his presence to mediate her engagement in the public sphere Hannah became ‘nothing in the society.’ That a ‘raped woman’ is ‘useless in future life’ exposes the powerful ways in which women carry the burden of ‘honour’ and whose life chances are profoundly shaped by the centrality of carrying this burden (Chesterman, 1997 p. 332 - 334). Her honour is the foundational condition upon which all other possibilities are based. She is of value in society as a wife and mother, rather than as an individual or a citizen.

Women are targeted for rape in substantial part because they are women and because of the symbolic power invested in social constructions of women (Brownmiller 1993; Seifert, 1996), but the event of rape also creates a new, heavily gendered social status. The violence that Valerie, Hannah and many other Congolese women survive, produces the social category of ‘raped woman’, fracturing, and in some cases destroying the interpersonal relationships with fathers and husbands upon which their engagement with society previously depended. Raped women emerge then, as a new category even further disadvantaged and disempowered. For women, whose civic engagement is already mediated through male relatives, the loss of these personal relationships has profound political, social and economic repercussions. Their physical and economic safety becomes yet more precarious, compounding a self-reinforcing cycle of cause and effect.

Hannah was initially abducted from her home and held captive in the forest for six weeks. Her husband abandoned her and their children due to this attack. When she was rescued from captivity she returned to find her children ‘already on the streets, uneducated and abandoned by everyone.’ Without the protection of a male relative, Hannah and her children were even more vulnerable to subsequent attacks. She was attacked a second time and explained ‘I am seriously suffering because actually, I am pregnant from those forest rapists who met me the second time at home three months ago.’ Hannah’s rape resulted in loss of her marriage and the limited protection and social status which it conferred. The loss of this protection has compounded both her and her children’s vulnerability to further violence. The violence also resulted in her losing her home and her means of income generation, which in turn both reduces her social status and increases her vulnerability to violence.

Some of the consequences of Hannah’s rape arise out of the act itself (which has resulted in pregnancy, physical pains and the emotional trauma inherent to the attack), but other serious and lasting injuries arise from social constructions of women. In overtly patriarchal societies women are primarily valued as representatives of particular values and ideals (such as the family or group’s honour) and they enter the public sphere only through their roles as daughter, mother or wife (Yuval-Davis, 1993). When inclusion in society is conditional upon what a woman represents, rather than who she is (as an equal citizen), then when she no longer reflects those ideals, she falls from the public eye. For the dire consequences which Hannah, Valerie and many other Congolese women have endured to be avoided, the social constructions of women need to be radically de-linked from family or group honour and her value needs to be located within herself, rather than in some imagined ideal.

There are women’s groups active in eastern DRC many of which do laudable work, but here too we can see intersectional disadvantage having an effect. When asked if she is aware of women’s groups Hannah said that she is and described that women in her community have joined together to cultivate fields as a form of income generation. Hannah, however, is not a part of any women’s group as all her energy is spent on meeting her and her children’s survival needs and she has ‘no force’ for anything beyond this. Another woman, a 38-year-old widow raising six children had previously been a member of a women’s group but told us that she had to stop as she was ‘irregular in their activities’ as she had ‘no time to share with others. I am used to going here and there looking for how my children, especially the youngest, can survive’ (interviewed in Minova, April 2014). This theme was repeated by other women, particularly those who had lost their husbands through post-rape abandonment or widowhood.

Women facing the greatest poverty and with the least social support are the least able to participate in any mutual support activities or self-help groups, yet it is precisely such women’s collectives which are necessary for the political, economic and social empowerment of women (Leslie & Boso, 2003). In this way, it can be seen that social constructions of gender play a causal role in creating women’s exposure to particular types of violence and in creating poverty in women’s lives (Cagatay, 1998; McFerson, 2010). In turn, poverty increases women’s vulnerability to violence and at the same time, reduces her capacity to engage in activities to reduce her poverty or improve the political and social status of women. Violence, particularly sexual violence, reinforces women’s secondary political status, exposes her to social risks such as abandonment by her husband or family, which in turn leaves her more likely to experience worse poverty and be even more socially isolated. At the same time, life threatening poverty, emotional trauma and the disintegration of social support networks caused by violence and displacement greatly diminish the most disadvantaged women’s capacity to participate in mutual support and political empowerment programs thereby exacerbating the social and political status of women. Gender, poverty and violence function together to produce social locations of extreme disadvantage beyond political concern and becoming visible only as objects of charitable humanitarian concern.

*Grace – Kenya*

Already prevalent rates of sexual violence were exacerbated in Kenya in the brutal post-election period (International Centre for Transitional Justice [ICTJ], 2014). Women were targeted in the conflict, with ‘hundreds’ of rapes committed in 30 days (The Hague Justice Portal, n.d.), as well as subject to further violence and increased vulnerability in camps set up for Internally Displaced People (IDPs) (UN News, 2008).

Grace is a 42-year-old woman living near Kisumu in western Kenya (interviewed Kisumu, January 2014). Her husband was killed during the post-election violence of 2007/8 in Naivasha. Grace had stayed at home with her four children to shelter from the violence, while her husband, due to the family’s economic necessity, had tried to go to work in spite of the chaos and fighting. Soon after her husband left for the day three men armed with pangas (machete-like farming implements) entered Grace’s home and raped her in front of her children, telling her ‘“you are now ours and on the issue of husband, we are your husbands now.” … After doing that action, they took all my things in the house and went away with them.’

Grace knew that she needed medical assistance, but was unable to go to the hospital or seek any help immediately after her rape due to the ongoing mass violence:

(When) they went, I remained there thinking how I would go to the hospital. There was no way I would go to the hospital because I would be beaten on the way. So I just stayed in the house, I did not go anywhere. I stayed until the police finished that problem, that is when I came out. Coming out, I then started looking for my husband.

When Grace felt safe enough to come out from her house, she did not go to the hospital, as she had initially considered, but instead looked for her husband. Grace did not explicitly explain her motivation to find her husband, but as her marriage was an inter-ethnic one and she had moved to her husband’s region, she was aware of her heightened vulnerability both as a woman and an ethnic minority. Grace’s welfare was doubly contingent on her relationship with her husband. Upon discovering he had been killed, Grace joined a lorry of other people from ethnic minorities leaving the area, and so Grace and her children became IDPs.

The acute social disorganisation caused by the ongoing violence and displacement kept Grace away from essential medical help and meant that she was unable to access post-rape treatment within the critical 72-hour window for PEP treatment[[6]](#footnote-6). Grace contracted a chronic sexually transmitted disease as a result of the rape, and her health is now adversely affecting her capacity to work. Grace initially worked arranging flowers but explained that she lost that job as:

I was getting weaker and weaker as days went by, so I was not working well, because the work I was doing was standing and arranging flowers. We were standing most of the time and sometimes I was falling down when I lost strength.

Grace has found new work, but having only limited education she is not qualified for less physically demanding work. Her health is impairing her capacity to work, which in turn is impacting on her children’s access to nutrition and education. She explains:

I need support because I do not have enough strength because I am sick. I am taking medicine and sometimes those drugs, I do not feel so well when I take them and I cannot do hard work. Like now, I am doing the work of weeding sugarcane. Sometimes I cannot work and my children are sleeping hungry and sometimes my children are not able to go to school… I am not able to get (school) fees.

Although the post-election violence has ended, the violence continues to affect Grace in immediate and material ways, pushing her deeper into poverty and further to the political margins. The violence, poverty and her social and political disadvantage are also being transmitted to her children creating inter-generational disadvantage (Cramer, 2009; Bird, 2007; Renner & Slack, 2004).

Grace has not benefited from any transitional justice measures. She explained that when she became displaced she attempted to register as an IDP, an essential pre-requisite for accessing any subsequent re-establishment or reparation packages, but did not know how. Grace knew that a process existed but had neither sufficient knowledge nor social networks to access the process.

The one I experienced … people were being registered but I was not. I looked this side and this side but there is no one who helped me. … I found some people had been registered. But I was not registered. … I experienced so many problems in that place because other people were helped and I was not helped.

Although Grace’s experiences have left her in acute need of reparations, her disadvantaged social and political status (as a woman and a member of a minority ethnic group displaced from social networks) excluded her from the process, further compounding her disadvantage. When asked what she knew of the Truth Justice and Reconciliation Commission she replied simply ‘I have never heard (of it).’

Truth Justice and Reconciliation Commissions and other similar national inquiry processes are important and potentially powerful mechanisms for establishing an official historical record, tracing the causes and effects of violence and facilitating national reconciliation. The process and reports of such inquiries are key contributions to forming a basis for future law and policy development. Whose stories are heard and recorded, and whose are omitted, therefore, can have significant and long lasting implications. Grace’s experiences have significance beyond the personal sphere of pain, loss and poverty. Her story, and those of other Kenyan women, are politically important and their inclusion or omission from key transitional justice mechanisms has implications for the future social, political and economic status of Kenyan women. Grace’s pre-violence marginalisation as both a woman and ethnic minority made her a target for precisely the violence she experienced. The violence has resulted in greater poverty (due to her widowhood, violence created ill-health and loss of property and place) and further political and social marginalisation (as widow, rape survivor and unregistered IDP), which is in turn further distancing Grace from any capacity to participate in political processes aimed at facilitating social reorganisation and reform for greater justice and future security. Her story, sadly not unique, traces the dynamic ways in which gender, poverty and violence interact in mutually constitutive ways.

*Miriam – Northern Uganda*

Northern Uganda is emerging from more than two decades of conflict. The conflict was marked by the abduction of children by the Lord’s Resistance Army (LRA) for use as child soldiers, forced labour and sexual servitude. Those who were not abducted were forcibly displaced into IDP camps. Although most former abductees and IDPs have now returned, communities are struggling with massive social disorganisation and continue to experience high levels of poverty and civil violence.[[7]](#footnote-7)

Miriam is a 26-year-old woman, married with four children living in rural northern Uganda. Miriam was abducted by the LRA at age eleven. She returned home at age eighteen with a daughter born in the bush (now six years old). Both Miriam’s parents had died by the time she returned. She married after returning from the bush. Miriam’s husband initially agreed to accept her daughter, but soon after their wedding he and his family began mistreating her and her child. Her mother in law said she did ‘not want a child who was produced from the rebels in her compound’ and frequently abused the child. Miriam could not tolerate seeing her daughter being ‘ill-treated’ and, under constant pressure and harassment from her in-laws, Miriam explained that she ‘could not resist the pain anymore’ and sent her daughter to live with her aunt ‘far away’ (interviewed in northern Uganda[[8]](#footnote-8), June 2014).

Mazurana and Proctor (2013), in their review of gender, peace and conflict literature, note that conflict causes disruption of traditional livelihoods and economies as well as social and cultural systems, and that these new economies are profoundly gendered, with women often being disadvantaged in multiple ways. Conflict creates and exacerbates shortages of resources (including, but not limited to land, food, water and health care) and gender is often a primary determinant of how resources are distributed; ‘often only men can own land, inherit property, or gain credit from financial institutions’ (Mazurana and Proctor 2013, 9). This is largely the case in northern Uganda[[9]](#footnote-9) where women traditionally have access to land only through their husbands, fathers or sons. The political and economic status of women in northern Uganda meant that Miriam, due to her father’s death and her dislocation from traditional social systems, had little choice but to marry upon her return.

Miriam, like most other Ugandan women we interviewed, is forced to remain in an unhappy, abusive and exploitative marriage for her economic survival. In Miriam’s case, this has also meant relinquishing care of her daughter, at enduring emotional and physical cost. Despite doing as her in-laws insisted, the ill-treatment of Miriam has continued; she is regularly verbally ‘insulted’ by her in-laws and she is sometimes physically beaten. Miriam has sought help from her brother and uncle to mediate the conflict between her and her in-laws but will not go directly to the police, Local Council (LC) or any other formal authority because she believes she does ‘not have any authority or capacity to do anything.’ Her male relatives ‘will be the people to report these matters.’ Her uncle has since moved to Gulu and is not available to help her. She is resolute that she cannot act without her uncle because ‘I fear my husband and his relatives.’

Miriam did however threaten to report her in-laws directly when they were forbidding her from having any ongoing contact with her daughter. In contrast to her unwillingness to act in defence of her own rights to safety and dignity, Miriam’s role as ‘mother’ gives her both authority (it is socially more acceptable to stand up from this position) and capacity (her determination and courage to potentially transgress the submissive role of ‘woman’) to threaten to report directly to the authorities. Thus, contrary to Miriam’s assertion that ‘there is nothing I can do’, Miriam in fact won the right to continue to see her daughter. However, poverty impairs her capacity to realise this right – Miriam had seen her daughter once in twelve months. Miriam can only earn a very small amount of money working on other people’s land each day after completing her work on her husband’s land and must choose between sending the money to her aunt to pay for her daughter’s education and other needs, or to spend the money on transport to visit her daughter.

Although the three conflict environments addressed here, and the typologies of violence reported and access to justice mechanisms differ in significant ways, there are many common structural characteristics in need of greater examination. Miriam, Grace, Hannah and Valerie are all negotiating complex terrains in which gender, poverty and violence intersect in challenging ways. The poverty and violence with which they wrestle is heavily gendered, and the social and political consequences of the violence and their economic status is even more gendered. Mass conflict exacerbates women’s poverty and exposure to violence and makes the task of establishing a political voice, necessary for addressing unequal gender relations, significantly harder. Transitional justice interventions are increasingly becoming routine responses following mass violence and have an important role to play in shaping post-conflict societies. It is imperative therefore, that transitional justice be aware both of the gender dynamics pre-existing intervention and of the gendered impacts that interventions have.

**Transitional justice strategies – the need for a multi-focal approach**

The goals of transitional justice may be variously articulated and include: ‘reconciliation, peace, justice, healing, forgiveness and truth’ (Clark 2008: 193). In our current discussion we view transitional justice broadly as a tool for enabling recognition and redress of the harms that women have suffered during conflict and as a source for creating accessible pathways for women to access justice and have their needs met post-conflict and in rebuilding communities. We recognise that women’s needs post-conflict traverse political, cultural, economic, health and legal spaces. We also view transitional justice as a vehicle through which gender inequalities and the subordination of women can be addressed and through which women’s rights and empowerment can be progressed. More specifically we see transitional justice as having a fundamental role in challenging impunity, in particular for sexual and gender based violence, addressing women’s economic deprivation and contesting normative cultural constructs of ‘woman’ which shackle women to male-centred relationships and domination. In short, transitional justice is understood as a network of functional pathways with the potential to empower women and improving their lives in the immediate and for long-term sustainable gains.[[10]](#footnote-10)

However, even a cursory survey of the existing transitional justice mechanisms in the countries of our focus[[11]](#footnote-11) reveals the inadequacy of transitional justice in achieving justice for women and even meeting some of women’s most basic needs (Human Rights Watch, 2005). Policy, lawmakers and justice professionals involved in the development and implementation of transitional justice and often, also aid and humanitarian actors who are engaged in post-conflict settings, demonstrate persistent failure to effectively recognise and address the mutually reinforcing nature of gender, poverty and violence in women’s lives and the impact of this complex interaction on how women live, feel, view and value themselves and their position in society. Gender, poverty and violence are elements of women’s identities, their experiences and the position accorded women in society. For this reason transitional justice interventions must recognise the mutually constitutive relationship of gender, poverty and violence which converge in disadvantage for women and seek to destabilise and disrupt this relationship, the social factors that reinforce and perpetuate it, and the resultant cycle of repressive disadvantage for women.

In practice, gender, poverty and violence tend to be treated as independent dimensions of a woman’s social identity. But, as we have demonstrated in our discussion, this view perpetuates a social fiction that essentialises womanhood along unitary axes in a way that continually regenerates harm to women. Constructing women’s identities and lives in such unidimensional ways serves to disempower and subordinate women and exacerbate the hardships women face in their day-to-day lives as they strive to access justice, employment, health and medical services, education and a host of other social services and support. Women’s lived experiences verify that poverty, gender and violence intersect and are mutually constitutive of one another and, thus, formative of women’s social and political status.

We argue that transitional justice must, if it is to realise its potential to deliver sustainable justice to women, recognise that women have multiple justice needs that are inextricably linked and that a holistic and integrated response to women’s needs is called for (Scanlon & Muddell, 2009). Transitional justice must identify the problem/s to which it is directed and deliver effective woman focused solutions. Charles Guy Makongo, Country Director of the American Bar Association in DRC expressed his frustration at an exclusive focus on women’s medical needs post-sexual assault at the expense of a criminal justice/prosecutorial response, which he saw as essential if justice is to have preventative as well as recovery-focussed power.

I heard that the World Bank had reserved one billion dollars to fight against rape in the DRC. I made some investigations, and realized that they did not think of anything else except the medical (response)…The message that should be brought to victims is to show them how you are taking care of rape and doing your best (to ensure) that people are frightened by law. This is possible, first, by analyzing the problem, looking for the solution and preventing its (reoccurrence) (Interviewed Goma, April 2014).

To further demonstrate some of the weaknesses of transitional justice in responding to women’s needs and priorities post-conflict, we draw on several examples that have emerged in our research. Our discussion seeks to demonstrate how a tendency by policymakers to ignore the interconnectedness of violence and poverty in women’s lives may be detrimental to women’s immediate well-being and serves to entrench their position of subordination in the long term. We hope our analysis assists in identifying a more productive approach in development of transitional justice strategies; one that places women at the centre of justice and which targets multiple sites of women’s disadvantage in a coordinated and holistic way.

We begin by exploring one common locus of attention for transitional justice, particularly in the early phases of post-conflict intervention – medical care. In each of the three countries under study we have seen strong humanitarian assistance and aid being directed towards women’s health, especially targeting the immediate needs of women who have experienced rape and sexual violence by providing PEP and antiretroviral (ARV) treatment. However, our research has also pointed to how such programs may, rather than improve women’s well-being, put women’s health at risk through a failure to recognise women’s multiple and converging needs. By way of example, one woman in DRC told us that although she had begun on the PEP treatment, she was unable to complete it as the hospital had run out of the drugs, telling her that women in need of PEP are ‘too numerous’ (interviewed in Bweremana April 2014). In Kenya, two key informants from the Kenya Human Rights Commission (interviewed Nairobi, April 2014) raised the importance of understanding women’s medical needs within the context of their broader economic status. They pointed to the example that ARV medications need to be taken with food and some women cannot afford sufficient food to sustain the treatment regime:

… it is not only ARVs that these women need. Because you see if you are poor and you have no food, you see they also need nutrition. How do you ensure that, as they are taking ARVs, they have the nutrition to sustain them so that they are not taking the ARVs in an empty stomach?

Due to women’s multiple needs, solutions and assistance need to be part of a holistic response – that treat women as a whole person – with multi-faceted health, legal, political and social needs and rights. Thus, in the case of the example provided above, the Kenya Human Rights Commission advocated multi-sectoral engagement – they brought together the resources of the State, NGOs, medical and legal service providers:

As you are going towards Uganda in Malaba, they have a place where the former County Counsel gave a piece of land where you have different NGOs who have come together. So they grow foodstuffs, […] people with HIV come, they take vegetables, they take eggs, they take milk for free. So you find that as they take the ARVs their nutritional needs are taken care of.

We were training HIV paralegals to ensure that they are the ones who are championing other victims to ensure that we don’t have rapes in those places… So we were working with them. We started working with a group and by the time we started working with them they were so frail they looked like they were going to die. So a group of NGOs came. We came with our legal expertise, the medical people came in. So you know different strategies were used. Then next time when we went to monitor them, they were very healthy, you wouldn’t know that those people had HIV/AIDS. So if you have something like that in every County… so that we are not only talking of drugs but also provision of their nutritional needs.

Formal legal processes provide another example of the failure of transitional justice mechanisms to respond to women’s lived experiences and multiple needs in attaining justice. In each of the three countries under study we have repeatedly heard from women about the economic barriers that prevent women from accessing justice. In particular many women spoke about the prohibitive costs attached to pursuing prosecution in cases of rape and sexual violence. These financial barriers extend from women trying to report a case, to police investigation, and all the way through to prosecution (most never get to this point). As one woman in DRC reported:

I went to the police because of my girl, there is one boy who took her as a wife when she was thirteen years old... When he abandoned the girl I decided to go to the police. I hated to go to the police because they asked me to pay twenty dollars and that guy to pay twenty dollars so they can start researching about our case (interviewed Bunyakiri DRC, September 2014).

The multiple costs women must face in trying to access formal justice, for example, filing fees, medical reports, court fees, transport costs exclude women from these spaces:

I am so poor I can’t be received (by the police or courts)… only rich people can (interviewed Rutshuru, September 2014).

In comparison men are commonly seen by the women we have spoken with as able to manipulate the processes of justice because of their stronger economic and social position relative to women.

The women we interviewed also spoke of various other examples where their multiple needs have been ignored or only treated in transitional justice on a one-dimensional plane, including land rights, provision of psycho-social support and development of micro-economic programs.

**Conclusion**

Gender, poverty and violence each produce and reinforce one another to entrench disadvantage for women in the three countries discussed across every measure. These dynamics are exacerbated by conflict and the social disorganisation which it entails. Transitional justice mechanisms have social, political and economic reconstruction and reorganisation as core objectives, but are currently under-recognising the gender dynamics embedded within transitional justice interventions. This ‘blind spot’ impairs transitional justice interventions’ capacity to address gender-dynamics and the complex relationships between gender, poverty and violence. Much of the harm that women face is either privatised or not seen as a central concern of rebuilding policies and interventions. Conflict and post-conflict reorganisation can represent an opportunity for reconfiguring gender relations and for gains in women’s rights and status.[[12]](#footnote-12) However, fragmented and weakly integrated interventions in DRC, Kenya and Uganda are resulting in severe limitations in the efficacy of those programs which are implemented and are missing the opportunity to support women in their efforts and need for greater legal, economic, political and social justice. Although beyond the scope of this paper, the examples of women-led efforts that we have encountered in our fieldwork, such as the Women’s Advocacy Network in northern Uganda, demonstrate a model in which political, economic, psychosocial and community relationships are not only highly integrated, but in fact cannot be separated. We propose that placing women, their experiences and their opinions at the centre of thinking about transitional justice mechanisms is necessary and urgent if gender justice is to be substantively improved.

**References**

Amnesty International (2005) ‘Violence Against Women in Northern Uganda’, R. Lough and E. Denholm. (Eds.) Index: 59/001/2005.

Amnesty International (2009) ‘The Gender Trap: Women, Violence and Poverty’. Retrieved from <http://www.amnesty.org/en/library/asset/ACT77/009/2009/en/e1657f5d-c1ab-4b23-ba1c-f6c5de096fb6/act770092009en.pdf>

Annan, J. and Brier, M. (2010) ‘The Risk of Return: Intimate Partner Violence in Northern Uganda’s Armed Conflict, *Social Science & Medicine, 70*, 152-159.

Bartels, S., Scott, J., Leaning, J. Mukwege, D., Lipton, R., VanRooyen, M. (2010) ‘Surviving Sexual Violence in Eastern Democratic Republic of Congo’, *Journal of International Women’s Studies*, *11(4),* 37- 50.

Bird, K. (2007). ‘The Intergenerational Transmission of Poverty: An Overview’. Overseas Development Institute & Chronic Poverty Research Centre. Retrieved from http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/885.pdf

Brock-Utne, B. (1989) *Feminist Perspectives on Peace and Peace Education*, New York: Pergamon Press.

Brownmiller, S. (1993) ‘Making Female Bodies the Battlefield’, *Newsweek, 12(1*), 37 – 60.

Bunch, C (2008) ‘Feminist Quandaries on Gender and Violence: Agency, Universality, and Human Security’, In Bahun-Radunovic, S. & Rajan, J. (Eds.), *Violence and Gender in the Globalized World: The Intimate and the Extimate.* Aldershot, England: Ashgate.

Cagatay, N (1998) Gender and Poverty. Working Paper No. 5, Social Development & Poverty Elimination Division. United Nations Development Program. Retrieved at http://www.undp.org/poverty/publications

Chacko, L., Ford, N., Sbaiti, M. and Siddiqui, R. (2012) ‘Adherence to HIV post-exposure prophylaxis in victims of sexual assault: a systematic review and meta-analysis’, *Sexually Transmitted Infections,* 88: 335 - 341

Chaikel, D (2011) ‘Does Gender Matter at the International Criminal Court?’, *The Hague Justice Portal.* Retrieved from <http://www.haguejusticeportal.net/index.php?id=12400>.

Chesterman, S (1997) ‘Never Again... and Again: Law, Order, and the Gender of War Crimes in Bosnia and Beyond’. *Yale Journal of International Law,* *22*, 299 – 343.

Clark, P (2008) ‘The Rules (and Politics) of Engagement: The Gacaca Courts and Post-Genocide Justice, Healing and Reconciliation in Rwanda’, In Clark, P. and Kaufman, Z. (Eds.) *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, New York: Columbia University Press.

Cochran, C (2008) ‘Transitional Justice: Responding to Victims of Wartime Sexual Violence in Africa’, *The Journal of International Policy Solutions*, vol. 9, pp 33-39.

Cooper, H (2014) In the Balance: Protection in the DRC. Briefing Paper, OXFAM. Retrieved at <http://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-in-the-balance-protection-eastern-drc-270114-en_2.pdf>

Cramer, C (2009) ‘Violent Conflict and the Very Poorest’, Chronic Poverty Research Centre Working Paper No. 129. Retrieved from <http://www.operationspaix.net/DATA/DOCUMENT/6531~v~Violent_Conflict_and_the_Very_Poorest.pdf>

Freedman, J & Jacobson, S (2012) (Eds.) *Engaging Men in the Fight Against Gender Violence: Case Studies from Africa.* New York: Palgrave MacMillan.

Grewal, K. (2010) ‘Rape in Conflict, Rape in Peace: Questioning the Revolutionary Potential of International Criminal Justice for Women’s Human Rights’ *The Australian Feminist Law Journal* 33, pp. 57 – 79.

The Hague Justice Portal, ‘The Situation in Kenya’, Retrieved from <http://www.haguejusticeportal.net/index.php?id=11604>

Harris Rimmer, S. (2010) *Gender and Transitional Justice. The women of East Timor.* Abingdon: Routledge.

Human Rights Watch, (2005) ‘Seeking Justice: The Prosecution of Sexual Violence in the Congo War’, Human Rights Watch, vol. 17, No. 1 (A). Retrieved from <http://www.hrw.org/sites/default/files/reports/drc0305.pdf> (Accessed on 30 September 2014)

International Centre for Transitional Justice. (2014) *The Accountability Gap on Sexual Violence in Kenya: Reforms and Initiatives Since the Post-Election Crisis*. Nairobi. Retrieved from <http://www.ictj.org/sites/default/files/ICTJ-Briefing-Kenya-SGBVAccountability-2014.pdf>

Kisekka-Ntale, F (2007) ‘Roots of the Conflict in Northern Uganda’, *The Journal of Social, Political and Economic Studies, 32*(*4).*

Lamont, C. & Skeppstrom, E (2013) ‘The United Nations at War in the DRC? Legal Aspects of the Intervention Brigade’, Commissioned by Swedish Ministry of Defence. Retrieved at

[http://www.foi.se/Global/Vår kunskap/Säkerhetspolitiska studier/Afrika/Lamont och Skeppström, The UN at War in the DRC - Legal Aspects of the Intervention Brigade, december 2013.pdf](http://www.foi.se/Global/V%C3%A5r%20kunskap/S%C3%A4kerhetspolitiska%20studier/Afrika/Lamont%20och%20Skeppstr%C3%B6m,%20The%20UN%20at%20War%20in%20the%20DRC%20-%20Legal%20Aspects%20of%20the%20Intervention%20Brigade,%20december%202013.pdf)

Leslie, H. & Boso, S (2003) ‘Gender-Related Violence in the Solomon Islands: The work of local women’s organisations’, *Asia Pacific Viewpoint, 44(3),* 325-333.

Liebling-Kalifani, H., Ojiambo-Ochieng, R., Marshall, A., Were-Oguttu, J., Musisi, S. & Kinyanda, E (2008) ‘Violence against Women in Northern Uganda: The Neglected Health Consequences of War’, *Journal of International Women’s Studies, 9(3),* 174-194.

Manchanda, R. (2004) ‘Maoist insurgency in Nepal. Radicalizing gendered narratives’ *Cultural Dynamics*, 16(2/3)

Mazurana, D. & McKay, S (2001) ‘Women, Girls, and Structural Violence: A Global Analysis’, in Christie, D. J., Wagner, R. V., & Winter, D. A. (Eds.). *Peace, Conflict, and Violence: Peace Psychology for the 21st Century*. New Jersey: Prentice-Hall.

Mazurana, D. & Proctor, K (2013) *Gender, Conflict & Peace.* World Peace Foundation. Occasional Paper.

McFerson, H (2010) ‘Poverty Among Women in Sub-Saharan Africa: A Review of Selected Issues’. *Journal of Women’s Studies*, *11(4),* 50-72.

MICS (2011) *Multiple Indicator Cluster Survey 2010: Monitoring the Situation of Women & Children*, Ministry of Planning, National Institute of Statistics in collaboration with UNICEF: DRC.

Nangini, C., Jas, M., Fernandes, H.L. & Muggah, R. (2014), ‘Visualizing Armed Groups: The Democratic Republic of the Congo’s M23 in Focus’, *International Journal of Security and Development, 3*(*1),* 5. Retrieved at <http://dx.doi.org/10.5334/sta.dd>

Ni Aolain, F. (2012) ‘Advancing feminist positioning in the field of transitional justice’ *International Journal of Transitional Justice,* 6, pp. 205 – 228.

Peterman, A, Palermo, T & Bredenkamp, C (2011) ‘Estimates and Determinants of Sexual Violence Against Women in The Democratic Republic of Congo’, *American Journal of Public Health,* *101(6),* 1060.

Polk, K (1994) *When Men Kill: Scenarios of Masculine Violence*, New York: Cambridge University Press.

Rehn, E & Sirleaf, E (2002) *Women, War and Peace: The Independent Experts’ Assessment on the Impact of Armed Conflict on Women and Women’s Role in Peace-building*, UNIFEM, New York.

Renner, L. & Slack, K (2004) ‘Intimate Partner Violence and Child Maltreatment: Understanding Co-occurrence and Intergenerational Connections’ Institute for Research into poverty Discussion Paper 1278-04. Retrieved from <http://www.irp.wisc.edu/publications/dps/pdfs/dp127804.pdf>

Scanlon, H and Muddell, K (2009) ‘Gender and Transitional Justice in Africa: Progress and Prospects’, *Africa Journal on Conflict Resolution*, *9(2),* 27

Retrieved from: http://www.ajol.info/index.php/ajcr/article/view/52170

(Accessed on 30 September 2014)

Seifert, R. (1996) ‘The Second Front: The Logic of Sexual Violence in Wars’, *Women's Studies International Forum*, 19 (1/2), 35-43.

Shepherd, L (2008) *Gender, Violence and Security: Discourse as Practice,* London, England: Zed Press.

Tabak, S (2011) ‘False Dichotomies of Transitional Justice: Gender, Conflict and Combatants in Colombia’, *New York University Journal of International Law and Politics (JILP),* vol. 44, p. 103.

UNDP (2013) *Human Development Report 2013 - The Rise of the South: Human Progress in a Diverse World*, UNDP: NY.

UN News Centre (2008) ‘UNICEF Warns of Abuses against Children in Kenya’, 25 January. Retrieved from

[http://www.un.org/apps/news/story.asp?NewsID=25414&Cr=kenya&Cr1 - .VCpK2EuAopE](http://www.un.org/apps/news/story.asp?NewsID=25414&Cr=kenya&Cr1#.VCpK2EuAopE)

Women’s Land Link Africa (2010) ‘The Impact of National Land Policy and Land Reform on Women in Uganda’, Retrieved from <http://www.cohre.org/sites/default/files/uganda_-_the_impact_of_national_land_policy_and_land_reform_on_women_october_2010.pdf>

Yuval-Davis, N (1993) *Gender and Nation, Ethnic and Racial Studies, 16(4),* 621-632.

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2. The project is funded by Australian Aid and conducted in partnership with Action Aid (Australia, DRC, Kenya and Uganda). The project runs from April 2013 to October 2015. For more about the methods, research sites, tools, activities and partners involved in this project see <http://www.justiceforwomen.net.au/> [↑](#footnote-ref-2)
3. For more on the DRC conflict, see for example Cooper (2014). See also Lamont & Skeppstrom, (2013). [↑](#footnote-ref-3)
4. All women have been given pseudonyms. [↑](#footnote-ref-4)
5. Interviews were conducted in multiple languages, most not in English, and have been translated. While acknowledging arguments to edit primary quotes for grammar and flow, there is also a risk of ‘losing’ the personality, immediacy and nuance of participants as, with each intervention in the language and words used, the woman’s voice is further mediated. We have therefore taken a minimalist approach to editing quotes, intervening only where the grammar obscures the meaning or where there is a risk of infantilising the speaker, preferring instead to keep the language used as close to source as possible. [↑](#footnote-ref-5)
6. PEP is Post-Exposure Prophylaxis medical treatment program involving a range of medications aimed at preventing unwanted pregnancies and reducing the chances of a sexual assault survivor contracting HIV and other STIs. To be effective, PEP treatment must begin within 72 hours of the assault. For more information about the treatment see Chacko et al (2012). [↑](#footnote-ref-6)
7. For more on the Ugandan conflict see for example Liebling-Kalifani et al, 2008; Kisekka-Ntale, 2007. [↑](#footnote-ref-7)
8. Northern Ugandan villages are typically quite small and everyone knows everyone, to identify the site of the interview risks making Miriam identifiable. [↑](#footnote-ref-8)
9. Uganda’s legal systems for dealing with land and property are a complex mix of colonial free-hold, traditional/customary communal tenure and statutory laws, and land conflict is a major issue emerging in post-LRA conflict northern Uganda. While women now hold a legal right to own land, this right is difficult to enforce. For more on this see Women’s Land Link Africa, 2010. [↑](#footnote-ref-9)
10. There is a considerable and growing body of work critiquing the gendered approaches and effects of transitional justice and questioning how well transitional justice meets its hoped for improvements in the lives of women. See in particular Ni Aolain (2012), Grewal (2010) and Harris Rimmer (2010). [↑](#footnote-ref-10)
11. Such failings of transitional justice are not unique to these three countries and have been documented as such around the globe: see further e.g. Cochran (2008) or Tabak (2011). [↑](#footnote-ref-11)
12. See for example Manchanda (2004) or Mazurana & Proctor (2013). [↑](#footnote-ref-12)