



DEPARTMENT OF POLITICAL SCIENCE

THE IMPORTANCE OF WOMEN IN TRANSITIONAL JUSTICE

Women's work for justice in Guatemala and Liberia

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Master's Thesis:	30 higher education credits
Programme:	Master's Programme in International Administration and Global Governance
Date:	16-08-2018
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Words:	19 948

ABSTRACT

This qualitative study focuses on women's inclusion in the transitional justice process by comparing Guatemala and Liberia. Within these two countries, women have been active in assuring peace through grassroot movements. Previous research indicates a focus towards participation and local peacebuilding and although women's importance in peacebuilding has been established, research is lacking in terms of transitional justice processes. The theoretical assumption is that with more women involved there ought to be a higher justice for women and the society at large. This is indicated because women will bring experiences of their perspectives of the war into the process and thereby reach an active survivor status. The research question to frame this research has been; *does a higher inclusion of women throughout the transitional justice process increase possibilities of reaching justice post-conflict?* To answer this question data was collected through triangulation from document analysis of international organizations' reports and complemented with interviews with people that have had insight into the processes. The findings establish that women's inclusion is important for reaching justice after war and that the women's movement has a better chance of reaching change when integrated within state structures.

Key words: Transitional Justice, Women, Women in transitional justice, Women's importance for justice, Guatemala, Liberia

ACKNOWLEDGEMENTS

This study was made possible with help from a number of people and organizations from which I am very grateful.

I want to start to thank the people that participated in my study and the organizations that helped me find interviewees. I specially want to thank the organizations Fokus, Kvinna till Kvinna, Diakonia and the ministry of foreign affairs in Sweden that helped me with contact persons and directed me to other organizations.

Second, I want to thank my two supervisors for reading through my work and for giving me advice and guidance. I also want to thank both the University of Konstanz and the University of Gothenburg for giving me study insights that led me in the direction of this thesis.

Last, I want to thank family and friends that have supported me throughout my work by giving me support, valuable feedback and encouragement to continue this process.

Liberia



Map of Africa



Guatemala



Map of Central America



ACRONYMS

UN	United Nations
SCR	Security Council Resolution
NGO	Non-Governmental Organization
CICIG	Comisión Internacional contra de impunidad en Guatemala (International commission of impunity in Guatemala)
CEH	Comisión para el Esclarecimiento Histórico (Commission of Historical Clarification)
REMHI	Recovery of Historical Memory Project
ASC	Asamblea de la Sociedad Civil (Civil Society Assembly)
CONAVIGUA	Coordinadora Nacional de Viudas de Guatemala (National Coordinating Committee of Guatemalan Widows)
URNG	Unidad Revolucionaria Nacional Guatemalteca (Guatemalan National Revolutionary Unity)
LURD	Liberians United for Reconciliation and Democracy
MODEL	Movement for Democracy in Liberia

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1. INTRODUCTION

How important is women's involvement in local peacebuilding activities in post-conflict countries and how is it valued when reaching justice and equality? Women's participation in peacebuilding is something that has been widely questioned from feminists to peace researchers and practitioners. It turns out women's involvement is indeed very important. When women are involved in peace negotiations, peace has a much higher likelihood of prevailing (UNWOMEN:A). Still, women are not yet included in formal peace negotiations by equal representation and existing research has not yet addressed the role women play in reaching justice in post-conflict situations.

The main argument to why women's role in peacebuilding is important is because it entails women's experiences and situation of conflict. Women's stories often differ from men's and are seldom included in history. Women have operated together in networks to end war and organised for a better situation afterwards, two examples are Guatemala and Liberia which are the case studies of this thesis. In both countries, women led the way to peace. After a peace agreement is signed, possibilities can arise to claim justice and address human rights abuses through transitional justice mechanisms (ICTJ 2018). Victims can thereby reach restitution and accountability. Something that has turned out to be more successful in the case of Guatemala than in Liberia.

Women have historically been portrayed as victims of war, which is partly still upheld by the international community (Zetes 2016). Victimisation of women in peace-making can lead to biased preferences where international actors mainly focuses on sexual violence as has been shown throughout different studies (Kreutz & Cardenas 2017, Kreft 2017). It upholds a gendered picture where women need to be rescued, instead of focusing on reaching political empowerment. It is also a false portrait. Women are both active in war as militants and as peace operators (see the work of e.g. Eriksson Baaz & Stern 2013, Helms 2010), something that is seldom discussed. Women have organised during war in their role as women to carry peace movements forward (Cochburn in Kronsell & Svedberg 2012; Helms 2010) and after war they have regained agency from victimization by claiming justice in truth commissions for the atrocities they have been exposed of. Agency can thereby come from victimization, from being survivors of violent situations (Maphosa, DeLuca & Keasley 2014; Porter 2007). It is important

to show how women's movements in post-conflict countries are working for justice to reach a better understanding for future policy makers.

A post-war situation such as a transitional period can lead to a better situation for women in terms of inclusion in the new society through new institutions. There is a lack of research portraying countries where women have reached inclusion through other aspects than from political representation, and so this study will instead focus on how a country reach relative justice from war through recognition, accountability and reparation for the survivors. The aim of this thesis is twofold, it will first look at the inclusion of women through gender mainstreaming policies and representation, to see how women are active and how they are portrayed in the process. The second aim is to see what women's role has implied to reach justice, which thereby focus mainly on the achievements made in Guatemala.

Liberia and Guatemala are both countries that face troubles of corruption, impunity and sexual violence. The political representation in both countries are low (at about ten percent). Which makes women's efforts in these two countries even more remarkable as change becomes more difficult. Women's organizations have fought for their rights from the bottom-up in both countries. Guatemala signed their peace agreement before the UN security council started their focus on gender mainstreaming in peace processes in the year 2000. Which makes it interesting to see how their way to justice have looked and how women have accomplished change without a presumably clear gender focus in the process. It is interesting to see what made Guatemala's peacebuilding process better suited than Liberia's even though Liberia had gender mainstreaming mechanisms in place in their mandates. This thesis will look at how transitional justice mechanisms have been gender-sensitive, how women have been represented and what women's outcomes have been through the transitional process in the strive towards justice. This will help answer the research question; *does a higher inclusion of women throughout the transitional justice process increase possibilities of reaching justice post-conflict?*

The data to carry out this study is collected from document analysis, secondary sources and complemented by interviews with actors that have lived inside the countries and has been in close contact with women's organizations in the countries. This triangulation of data will give a more complete picture of women's involvement through different perspectives. The conclusion of the thesis is that involvement of women has been very important for peacebuilding in both countries. Guatemala, that has come further in its justice process for female victims has had more women involved in all but the historical clarification commission. It has however not only been the inclusion of women that has established this justice, but other

favourable factors have also contributed to the change. Recognition and accountability have been very important factors for the process in Guatemala. Liberia has only reached recognition and neither of the two countries have reached full potential of reparation amongst victims.

1.1 Disposition of thesis

The thesis will be structured in following order. Chapter 2 will introduce the reader to the literature on international peacebuilding and the importance of women in peacebuilding. It will end with a focus on current research on transitional justice processes and how women have reached justice after war. The section will end by concluding important remarks and point to a gap in the literature that this thesis will seek to fill. Chapter 3 will describe the theoretical framework based on research on transformative justice which looks at how a change in women's situation has been possible in transitional contexts. Chapter 4 addresses the research design and methodological claims of this thesis. It starts by explaining the case selection by using the most similar systems design, case selection and collection of data through triangulation. Chapter 5 will address how women were included in the transitional justice mechanisms in both countries through the; peace agreement, truth commission/historical clarification commission, trials and in the new institutions. Chapter 6 will describe how women's presence has been of importance in terms of reaching truth and justice from the war in Guatemala and not Liberia in terms of recognition, accountability and reparation. Chapter 7 will provide a discussion of what has been found in the analysis and limitations of the study. The final chapter 8 will end with a conclusion of the main arguments and results found in the thesis.

2. LITERATURE REVIEW

This chapter will start with an introduction and framing of the peacebuilding literature to grasp how it has been formed, what is the most important aspects today as well as how women have been portrayed in the peacebuilding literature. It shows that the peacebuilding research is moving towards bottom-up and victim-centred approaches. Women have been found active in a range of different activities of peacebuilding, whilst they are often excluded from formal peace processes they are more active within grassroots movements. Transitional justice processes address accountability of war abuse and propose measures of change. Women have found recognition from their experiences and been able to reach relative justice after war. What is missing is research on women's involvement in transitional justice processes, how women are addressed and their importance throughout the process.

2.1 Framing of peacebuilding

There are several different definitions available to explain the meaning of peace. Johan Galtung's (1967) is still amongst the most used as he defined peace as having two differently charged connotations. The negative definition of peace only explains an absence of physical violence whilst positive peace has come to include features of justice, equality and development (Galtung 1967, Höglund & Söderberg Kovacs 2010; Maphosa, DeLuca & Keasley 2014). Positive peace can thereby also be explained as peacebuilding, as this definition came to point at peace having meanings of social justice. Peacebuilding works with the indirect violence on the ground coming from present structures and cultures. It is trying to transform the actions and situation that was causing the conflict (Maphosa, DeLuca & Keasley 2014).

Peacekeeping majorly involves *military measures* to stabilise the situation on the ground. Peace-making is the involvement of different actors to *politically* reach a peace agreement (Aall 2000: 123). Peace-making has been viewed as a top-down approach imposed by international actors on state-level whilst peacebuilding instead is a concept that implies a bottom-up approach from grassroots movements over a longer time (Pratt & Richter Devroe 2011). It is a socially constructed process that is changeable to situation and time and it is thereby hard to know when peacebuilding really ends (Leberach 1997).

International peacebuilding has under a long time depended upon a top-down approach where practices and policies have been standardized from western actors to be implemented on a developing country. These top-down interventions have also gone under the name of 'Liberal

peace' which was an act of power to transform policies to fit into the current hegemonic framework (MacGinty & Richmond 2013). These interventions, where external actors came and envisaged a special type of peace, have rather had negative consequences (Höglund & Söderberg Kovacs 2010; MacGinty & Richmond 2013). International interventions have imposed political control over territory and people within the conflicted area, as governmental actors did not seem reliable. The interventions did seldom include the perspectives of the affected population. It has in some situations led to an upbringing of transitional administrations, as was done in e.g. East Timor, to stabilise rule of law in the country under international control (Chopra & Hohe 2004:243).

Since the beginning of the 1990's, civil society's role in peacebuilding has become more prominent as a 'local turn' on peacebuilding has been introduced both in theory and in practice. The discourse of civil society in peacebuilding has grown and their role has been explained as threefold in character; to reform governance, economic and democratic reconstruction and restoration of society (Van Leeuwen 2008:34). The role of non-governmental organizations (NGOs) has become more important and active as local authorities, donor governments and international institutions are missing capacity to act in post-conflict areas. NGO's establish long term relationships within societies which makes them more aware of the conflict situation and the different actors in the conflict. They are also able to inform and warn citizens about upcoming conflicts, communicate between parties in conflict, work on local level with reconciliation work and training of staff (Aall 2000).

UN's work is getting more directed towards local peacebuilding as they explain in a report from 2018 that "sustaining peace initiatives should be locally owned, regionally anchored, and internationally supported" (IPI 2018:66). In post-conflict situations, the role of the state is often not trustworthy by its citizens, which leaves grassroot movements and international actors to work with reconciliation and state-building to rebuild relationships. It is thereby important to look at the *local aspects of peacebuilding* that is done within a country and the *actors that work for peace* within this context.

2.2 The importance of including women in peacebuilding

With inclusion of women in peace processes, peace agreements are said to last longer (UNWOMEN: A). Through quantitative data from the Uppsala data set program, Laurel Stone

found that adding women to the peace process in forms of mediators, witnesses, signatories and/or negotiators have a positive impact on the peace to prevail. She found that by adding women, there was a 20 percent increase that the agreement would last two years, and a 35 percent increase that the agreement would last 15 years or longer (Stone 2015, UNWOMEN: A). It is thereby important to add women in the beginning of the procedures to provide a more stable peace. Civil society actors are also very important for an enduring peace and have proven to prevail peace when incorporated in a peace agreement (Nilsson 2012). This is important as women are highly active in civil society organizations. Peace agreements can also require inclusion of gender mainstreaming mechanisms, which have been included in the agreements in Somalia (1993), Guatemala (1996), the Chiapas (1996), the Chittagong Hill Tracts in Bangladesh (1997), Northern Ireland (1998), Burundi (2000), Bougainville (2001), Liberia (2003) and African Great Lakes Region (2004) (Bell & O'Rourke 2007:32).

Different aspects on women's inclusion

Feminist views on women's inclusion has long being centred to women's biological characteristics and essence, which implies that men and women are different because of their sex (Väyrynen in Richmond 2010). This literature mainly focuses on representation of women because of their peaceful nature, which has been widely criticized for its biological standpoint and for its approach to only "adding women and stir" without incorporation of gender issues (Ní Aoláin 2012, Jones 1996, Carpenter 2005). The aspect has today changed towards constructivist ideas of gender with standpoint feminism and post-structuralist feminism. Whilst post-structural feminism criticise how masculinities and femininities are made within the process (Väyrynen in Richmond 2010), standpoint feminism gives more focus on women's experiences as being different from men's (Barrow 2009). The standpoint feminist view focuses of men and women's different experiences of war and peace and highlight the importance of including both sexes to reach a wider understanding of the process. This perspective is widely accepted by feminist scholars, where women's experiences are most important in terms of contribution (this can be seen in the work of e.g. Jones 1996, Porter 2007).

Inclusion through resolutions from the UN

Resolution 1325 from UN security council from 2000 was the first to formally acknowledge women's role in peacebuilding. The resolution promoted representation, gender equality and security in peacekeeping and peacebuilding for women (Tryggestad 2009). It has been considered a milestone for UN since it proved that the organization dealt with gender issues

and to get women more active in negotiations and post-conflict work. The resolution also came to look at women as agents that could build peace and protection and not only as victims of war (Pratt & Richter-Devroe 2011:490). Since resolution 1325 went into practice in 2000, the share of references to women within peace agreements have increased to 27 percent from only about 2 percent the decade before the resolution was implemented (UNWOMEN: A).

After resolution 1325, other resolutions have followed on women's rights in conflict. Violence was recognized as a tactic in conflict 2008 with resolution 1820. Then followed SCR 1888 (2009) and SCR 1960 (2010) that aimed to criminalize sexual violence in conflict. Resolutions that have dealt with women's empowerment and gender roles in peacebuilding are SCR 1889 (2009) which anticipates women's role as actors rather than victims, SCR 2106 (2013) on sexual violence's impact on women and men and SCR 2122 (2013) that promotes women's involvement and leadership in peacekeeping and peacebuilding operations. International actors thereby seem to have increased their approach to work with women's perspectives in the 21st century. UN's work on women's involvement in peacebuilding has been important for organizations and movements to take form and gain support (Barrow 2009). Pratt and Richter-Devroe (2011) argue that the theoretical framework in international relations changed with resolution 1325 from being state-centred to becoming more actor-centred. Much of the feminist peacebuilding literature the last decade has focused on analysing the impacts of resolution 1325 on women's peace work, with mostly positive response (Porter 2007, Tryggestad 2009, Barrow 2009). Many countries have also implemented national strategies to their work on gender-inclusive peacebuilding in accordance with the resolution.

Inclusion of local women's experiences

Women in peacebuilding are often active in different grassroot movements that have worked to end wars. These organizations and movements can be transnational, as has been shown through the Mano River Women in Peace Network (WARWOPNET) that are active in Sierra Leone, Liberia and Guinea (Kronsell & Svedberg 2012:23). They can also arise within the country. National women's movements have been active in ending wars such as the Women of Liberia's Mass Action for Peace in Liberia, or Actoras de Cambio which is an organization aimed at helping women subjected of sexual violence in Guatemala during the 36 year long civil war (Kronsell & Svedberg 2012). Women have in other instances shown to be empowered in their social role during conflict. This is shown through women's involvement in the grassroot mobilisations during conflicts in Palestine and Northern Ireland where women helped organise

protests and got involved in the armed struggles as they were not seen as threats by the army (Sharoni in Moser & Clark 2001).

Women are said to benefit from situations of post-conflict as it can unravel traditional gender relations and lead to political inclusion. It can for instance imply that women will be more included in the political sphere that would not have been possible before war. Post-conflict countries in Africa have, according to Badri and Tripp, double the representation of women in parliament as other countries that have not experienced war. They explain that the chaos of war disrupts gender relations and unintentionally creates opportunities for women to act, from executive to local level of governance. There could therefore arise a gap for women to take leadership roles during war, as has been seen in Liberia where Ellen Johnson-Sirleaf was elected through the work by women's organizations to end Liberia's civil war (Badri & Tripp 2017:12). Rwanda, that today has the highest representation of women in parliament in the world, is one of the most successful cases in terms of women's rights and representation in a post-conflict situation. Rwanda was highly dependent on international aid which was tied to democratic reform. It was one reason to why there was a high priority on women's representation implemented from a top-down perspective (Burnet 2008).

To empower women and to live in a more gender-equal society has also proven to lead to stability and peacefulness (IPI 2018:2). This is a dual relationship as peace and security must prevail for the people to reconcile and become empowered. Both reconciliation and reconstruction are needed for healing wounds of the war, mechanisms that grassroot movements engage in. Women are most often active in these movements but are seldom recognized for their work (Meintjes, Pillay & Turshen 2001:59)

2.3 From peace to justice after war: Transitional justice

One aspect of peacebuilding that has been evolving in research the last decades is transitional justice. Transitional justice is traditionally built upon factors of justice, truth, social reparation and institutional reform (Bell & O'Rourke 2007). It is described as a process rather than a set of rules on how to repair after conflict. Transitional justice addresses human rights violations and is a process of rectification and reconciliation for victims of war. The aims of transitional justice are explained as threefold "the recognition of the dignity of individuals, the redress and acknowledgement of violations, and the aim to provide them from happening again" (ICTJ

2018). Reparations after war is considered both a political and juridical process, both to address justice from what has been through a legal approach and to focus on how to create a new just society through political change. This thesis will focus on addressing justice from what happened in the civil war through the women's perspective and their inclusion in the new society.

Practices of justice have often been carried out from national level through trials, truth telling, institutional reform and reparation processes (Gready & Robins 2014:340). If women are not included at the design stage of these processes, there is a risk that solutions are missed and that there is a lack of effectiveness in the process (Bell & O'Rourke 2007:31). The human rights council have recently recognized women organization's important role in forming, establishing and implementing transitional justice mechanisms for representation and gender perspectives (HRC 21/15).

Addressing women's needs in transitional justice is of high importance to the feminist movement and might expand the transitional justice mechanisms to become gender inclusive (Bell & O'Rourke 2007:43). Women have been largely absent from transitional justice scholarship until just recently. Within the last decade, theoretical approaches have been made to establish a transformative approach to transitional justice that includes women's participation (Ní Aoláin 2009; Ní Aoláin 2012; Chaney 2016).

When institutional justice mechanisms are absent in the post-conflict country, as is common after war, the change often arises from the grassroots and local level of society. These actors can involve victims and survivor groups, community and civil society organizations, human rights organizations, non-governmental organizations and religious groups (McEvoy & McGregor 2008:3). The acts of transitional justice, have often incorporated civil society and includes reconciliation work by organizations to reach justice, build relationships and talk about atrocities from a violent past. Women are active in transitional justice both as victims and as autonomous agents that can exert some influence on transitional politics (Ní Aoláin 2009). Women's participation in transitional justice situations and peacebuilding are taking place on multidimensional levels, often outside the formal space but also in public and, to a lesser degree, within political rooms (Björkedahl & Mannergren Selimovic 2015:177f).

2.3.1 How women reach justice after war

The importance of recognition and truth

Justice through reconciliation is an important part of peacebuilding, where victims have a chance to get justice by first addressing what has happened in the war (Leberach 1997, McEvoy & McGregor 2008). Women that have experienced sexual violence during war have gained agency in a post-conflict phase by being witnesses in truth committees and fighting for juridical justice (Maphosa, DeLuca, Keasley 2014; Porter 2007). Porter explains that “(T)o deal with the past, victims must have their needs addressed, perpetrators and ex-combatants need to become responsible citizens, communities need to rebuild solidarity and nations require healing” (Porter 2007:129). Truth commissions and trials can have a therapeutic value for victims, foremost when victims get to address their experiences and stories (Doak 2011).

Truth commissions can be explained as “(..) temporary bodies, usually with an official status, set up to investigate a past history of human rights violations that took place within a country during a specified period of time” (Chapman & Ball 2001:2). Their role is to find out the truth, without having the ability to prosecute anyone for past atrocities (ibid). It will work as a temporal picture of the conflict from the testimonies available. It mainly consists of victims’ testimonies to reach a shared, common picture of the events that will contribute to future nation-building (Chapman & Ball 2001, Quinn & Freeman 2003). This is possible as the truth commission can contribute with aspects of accountability and truth-finding in creating an impartial picture of who is responsible (Doak 2011).

The role and format the truth commission will take might vary due to local norms and structures. The appointed commissioners and staff play an important role to make the process successful and long-lasting (Chapman & Ball 2001, Quinn & Freeman 2003). It is important that the commission holds high quality and is representative to succeed with long-term gains. It includes hiring of commissioners, where selecting the right persons are important for success. Recruiting international commissioners has said to reduce criticism and threats imposed on nationals for being biased in the conflict (Quinn & Freeman 2003; Chapman & Ball 2001).

The mandate of the truth commission can be gender friendly from start and thereby include a perspective where women’s needs, and experiences are included. Sometimes truth commissions have instead interpreted a gender-sensitive language although the process was

gender neutral from start, such as in Guatemala, Peru and South Africa (Bell, O'Rourke 2007). It is thereby noted that gender in theory might not be as important as how it is treated. Failures of the truth commission in South Africa was reported as lack of support to female victims that testified in court and re-victimization through reports by international media (Sideris in Meintjes, Pillay & Turshen 2001:57f).

Another place where victims can share their stories are in trials, which inclines a more formal setting. Trials often have a 'truth' ready before the trial which can rule out some parts of the story that is important to the victim and prevents the 'whole story' to come out (Doak 2011:277). In terms of justice for victims from court rooms, it is foremost that the procedure is fair and proper that is important, even if it will have a negative outcome for the victim. If the process is fair it can have some effect on the victim's reconciliation process (Doak 2011:278). Doak's conclusion is that both truth commissions and trials need to take some factors into account to be of best help to victim's healing process, namely a) prevent a secondary victimization, b) give victims right to their own free narrative, c) give victims and perpetrators the chance to meet in dialogue (Doak 2011).

Reparation through inclusion in new institutions

Transitional justice also implies a legislative approach to stabilise rule of law and an inclusive jurisdiction. The approach has widened to give actors space in the formation of juridical power and not only state institutions (McEvoy 2007). The legal aspects of transitional justice have been important for women to get justice after sexual violations, as gender has been added to the process. Bell and O'Rourke explain this as having three advocacy grounds. First, that women's experiences of gender-based violence are recognised and secured as a war crime. Second, see to that these war crimes are punitive. Third, work for legal reforms so victims are not re-victimised by legal processes (Bell & O'Rourke 2007:26).

In post-conflict situations where institutions are being rebuilt or re-modelled, it inclines a great opportunity to embrace gender equality into institutions, processes and structures of governance (Chaney 2016; Hughes & Tripp 2015). There are inclinations that the processes are being modelled from outside as international actors are framing the transitional justice period already during the conflict. Human rights violations get addressed externally during the conflict and thus have impact on how harms are listed in post-conflict periods (Ní Aoláin 2009). Transitional justice processes are becoming more internationalized, still women remain structurally excluded from peace processes (Ní Aoláin 2009:1057).

2.3.2 Factors that affects women's chances in the transitional justice process

How the state acts

Lack of state acknowledgement can hinder the process for women's rights organizations' work. The government can for example hinder women from politics by refusal of invitation to political gatherings and lack of interest in women's opinions by not having contact with women's organizations and grassroots movements. The state can also delay the process by refusing to cooperate in the truth process (Lundy, McGovern 2008:289f). If the institutions within the state are weak, there might also need to be a long time before abuses can be addressed (ICTJ 2018).

Lack of security for female victims to participate and talk about their experiences is also a hinder. The government can make it hard for NGOs and other Human Rights organizations to operate and continue their daily work. It has sometimes even led to assassination of NGO staff as in East Timor, Sierra Leone, Chechnya, Bosnia and Afghanistan (Carey 2010:236). Women and girls are also experiencing violence in a different manner than what men and boys are in peacebuilding. They experience direct physical violence often connected to sexual abuse and harassment, and indirect violence in form of lack of resources, marginalisation and exclusion of political rooms (McKay 2004). Other factors that affects the progress of transitional justice is how well civil society and victims' groups can reach and engage the whole country, how impartial the media is and what interest the international community has in the country (ICTJ 2018). Even as civil society organizations and bottom-up movements often carry the change, the process of change will be more efficient if carried out within state structures. This is explained through Piacentini's argument in McEvoy & McGregor;

“while ‘from below’ perspectives are normally assumed to operate outside the structures of the state, actually the ways in which transitional messages are translated and acted upon ‘on the ground’ within state institutions can have huge implications for the efficacy of the overall process, and that not all resistance is necessarily progressive.” (McEvoy & McGregor 2008:6)

Stigma of sexual violence and religious institutions in the country

Stigmatization of sexual violence could prevent women to tell their stories of what has happened. The stigmatization and silence of rape and violence could also be part of a cultural

shame. Women thereby abstain from telling their story through participation in women's groups as they want to keep the social standing in their community (Porter 2007: chapter 5).

If religious institutions are strong in the country, this could also affect the process of change for women's transformation. In Rwanda, where the catholic church dominates, abortion remains illegal even though many women were raped during the war. In South Africa, the Dutch Reformed church uphold sexist views on women (Meintjes, Pillay & Turshen 2001:15). Both after work of truth commissions with gender aspects.

2.4 Research gap and aim of study

Transitional justice has grown within the peacebuilding literature the last decades. It has been viewed as an important time period where a transformation can be made from the old structures that have prevailed in the conflicted society. A transformation that could imply a change in women's role. The existing literature on women in transitional justice have been to develop models and theories on how feminism and gender mainstreaming can be incorporated into the process of peace and justice. It is thereby important to address gender mainstreaming and women's representation within the transitional justice process to see how women's involvement in the process can lead to justice.

The full process on how women are included within different mechanisms has not been studied. This study will contribute by looking at how and where women are active in creating the new post-war society and what factors that have helped women's organizations' succeed and not succeed in the transitional process. It will combine a general top-down aspect of transitional justice from a organizational standpoint and at the same time include a bottom-up aspect through the perspective of the work of civil society organizations. The outcome will be to look at women's importance to reach justice post-conflict through an organizational standpoint.

The aim of this study is to find out the importance of women's role and presence within transitional justice. First by looking at women's presence in transitional justice mechanisms and second, to see how women have reached for justice after war. Women's participation will be viewed through inclusion of women in policies and through women's participation. It will be followed as a process and not through a specific point in time.

3. THEORETIC FRAMEWORK OF JUSTICE

This thesis will analyse and build on the current theoretical framework in transitional justice and provide data for grasping the importance of women in the process. The framework in this section will be developed from transitional justice research and literature on how women reach justice. The concepts that are used in this section have derived from the existing research. It will contribute to a wider understanding of women's importance in transitional justice mechanisms. This section will focus on factors that lead to justice after war and the aspects that are important for women's movements in terms of reaching peace and justice.

From research on transitional justice it is apparent that victims need; 1) institutional mechanisms for truth-telling and to get their stories recognized in the process. It can be in form of a truth commission or other body that collects victim's testimonies. It has proven to be valuable for some victims to also be face to face with their predator to get justice in hearings; 2) trials where victims reach accountability from war which can have positive reparational functions for the victim; 3) there needs to be reparation and change within institutions so that the victim's situation is addressed and have potential for change.

Participation and recognition of women is limited in most post-conflict societies. If a society get to include women, it could provide a better situation for women to influence the process and provide a positive effect on both peace and justice to prevail (Zetes 2016:1295). Previous chapter explained the importance of women in the peace agreement for peace to prevail and become more stable. The peace agreement also addresses the mandate of the truth commission and how this will be implemented. The peace agreement and the truth commission are thereby important on a design stage for how peace and justice will be achieved. Gender norms are increasingly being implemented into peace agreements since resolution 1325 was implemented, and early processes and transitional justice mechanisms often failed to address women (Zetes 2016:1292).

3.1 Transformative justice – the change of woman's role through the process

Literature on transitional justice have recently tried to theoretically broaden the framework to include more actors by taking a transformative approach on justice (Gready & Robins 2014, Ní Aoláin 2006, 2009). This theoretical approach is more inclusive of agency in transitional justice and foremost addresses the victim. In transformative justice there is also an increased focus on

the perspective of the process rather than its fixed outcomes (Gready & Robins 2014). Women's role in transitional justice processes is substantial, and the process becomes transformative when women's participation is recognized, and they find space to become empowered. As described by Porter, "A challenge for peacebuilders is to foster the healing process in victims who become empowered as survivors, agents of choice" (Porter 2007:127). Within the literature on transformative justice there is both a focus on whether the process is gendered (Ní Aoláin 2012, Chaney 2016), and which role women take in the process (Gready and Robins 2014, Björkdahl and Selimovic 2015). There is a need to understand how women are active in transitional justice processes and how their situation is narrated (Ní Aoláin 2009). It is important that women's experiences and participation are lifted to gain wider understanding of the peace process.

Value of participation within the process

Participation has been emerging in recent years as an important aspect in transitional justice debates (Lundy & McGovern 2008; Ní Aoláin 2009, Chaney 2016). Within Chaney's (2016) theoretical model he addresses gender mainstreaming from civil society's aspect in post-conflict countries. From his analysis of 12 post-conflict states he finds that within the framing of gender mainstreaming mechanisms, participation is most important for civil society organizations, followed by rights and questions of gender-based violence. For state actors, generic- gender equality is the most important aspect, followed by rights and questions of gender-based violence (Chaney 2016:287). This implies that civil society actors are more likely to see to representation and that state actors are more likely to add gender policies into their framework than adding women per se.

Women's participation in transitional justice contexts is said to have importance. Zetes (2016) notes that; 1. Women do things differently from men and see things they don't. Women cross ethnic lines more easily than men, they are recognized as 'neutral peace makers' and women bridge the formal and informal systems of peacebuilding. 2. The impact of women's involvement favours the whole system and not only women's issues. Women often engage for a more inclusive society that is better for all (Zetes 2016).

As noted from the literature review, participation from bottom-up movements is the new focus in peacebuilding. Transitional justice research has also added a bottom-up focus from the traditional top-down format. This bottom-up focus puts more emphasis on the victims/survivors of the war and whether they are included to reach the truth of what happened and to

make sure it doesn't happen again. The victim's perspective of transitional justice is viewed in form of the transformational justice mechanism shown below.

The model below shows the relation between the traditional transitional justice mechanisms and how they can be translated to a victim/agent perspective in the process. It shows the most important aspects from the victim's narrative.

Figure 1. How victim's perspective is addressed in Transitional justice

Transitional justice mechanism	Transformational justice mechanism
Truth-seeking from truth commission; from historical- to present- and futuristic- justice to deal with the past in order to look forward	Truth through knowledge and acknowledgement; ought to address victim's narrative and bring country closer to healing through a common truth-picture
Formal legal justice through trial	Accountability; that victims get punitive justice where their abusers are hold guilty for what happened and where a culture of impunity is addressed
Justice in institutions	That victims reach some compensation for what they have been through, and that they are included in the new governance and democracy

3.2 Address justice post-war: recognition, accountability and redistribution

Justice can be explained in different forms. Mani proposes a post-conflict justice approach built on three dimensions, which are all mutually reinforcing and are dependent on each other for justice to prevail. The first dimension is the legal approach which addresses rule of law in restoration. The second approach is rectification which addresses human rights abuses on an individual level. The third approach is a distributive aspect where structural and systematic injustices from historical discrimination is addressed (Mani 2005). The legal restoration approach matches with the juridical trials, to make legal justice of the acts of war. It can be transferred to a value of accountability for the victims, that predators are sentenced for what they have done. The rectification approach addresses the role of the truth commission where acts of human rights abuse and violence from war is collectively restored to bring out a truthful picture of the war. The distributive aspect will make up for injustices from the war in

the new society. Within transitional justice, Franke (2006) argues that there has mostly been a focus on recognition of victims rather than redistribution after war. He argues that it is important to include both in the framework on justice simultaneously but put more focus on the latter to reach justice. The perspective so far is that the *process* should be distributive, address violations of the victims and build up just institutions in restoration. The justice values are highly relevant when looking at the outcomes of a transitional justice process where peace and justice needs to meet.

Recognition and women's role in the process

Within Chaney's model of transformative justice, he proposes an actor transformation which implies an internal change within the civil and civic society (Chaney 2016). This put focus on the agency-agenda, that the person carrying the change has importance for the outcome (Lundy & McGovern 2008). It is a focus on power dynamics, on which room women are given in the process of change. The women thus become the stakeholders for change in the value of their experiences and opinions (Lundy & McGovern 2008:278). It is thereby important that they are active in the process and that their perspectives are heard. The outcome of the actor-perspective is whether women have reached change in their social role so that they have more opportunities to address their situation in society. If the process of truth telling is inclusive and does not exclude anyone because of their ethnic/religious identity, political affiliation or victim status, it will have much higher chance of leading to success (Lundy, McGovern 2008:287).

The operationalisation of women's recognition will be that;

1. Women are equally heard to men in testimonies. If victims get to speak in truth commissions it is said to have a positive significant effect for peace if it takes place in a democratic society (Lie, Binningsbø & Gates 2007)
2. Women's situation as both victims and agents of change is noted in the mandate through the peace agreement and in the truth commission report

Accountability in the process

The rule of transformation also implies new 'rules of the game' (Chaney 2016). It implies structures that will give women rights in what they experienced in the war, to preserve the rule of law and reach accountability. According to a World Bank research paper, trials are the most efficient justice mechanism for peace to prevail (Lie, Binningsbø & Gates 2007). One

thing that instead reduces peace duration is amnesties to predators which has a stronger relationship in democracies (Lie, Binningsbø & Gates 2007). Being granted right in a trial will also be a transformation mechanism for the women to grow from their experiences, from a victim status to a survivor status.

The operationalisation of accountability will be that;

1. Women are granted right to testify in trial or hearings with a free narrative
2. Women are granted security to testify
3. If amnesty exists for war-crimes it will make it harder to reach accountability

Reparation and a gender-sensitive process

Which *issues* that are addressed on the agenda is also important for future justice, according to Chaney's model. He explains this as "an altering of the agenda of gender relations" (Chaney 2016:289). Reparation is the final state of a progress towards justice. If reparation is reached there is a chance of reconciliation. I have chosen to interpret this in what way women's perspective and experiences are addressed in the new institutions from their war experiences. By giving voice to women and restore a sense of dignity, there is a chance of real social change (Lundy & McGovern 2008:286f). If women's experiences to conflict are addressed, the relevant issues for change are present. This will be measured through new bodies in government that addresses women's rights or whether there are policies in place that specially addresses women. The impunity levels for violence against women will look at how women's situation is considered out of the state structure and what priority crimes against women have today.

The operationalisation of reparation will be that;

1. Women are given a special role in new institutions or gender-sensitive bodies and their situation from war is considered
2. Impunity levels are worked on to be improved
3. Women's role in society have become more inclusive through the peacebuilding

Figure 2. Model of transformative justice



The model above explains how all concepts are connected to each other. The concepts of recognition, accountability and reparation have all been indicated throughout the research on transitional justice to be important for a successful outcome for the victim.

3.3 Theoretical argument

By adding more women in representation and through gender inclusive policies within transitional justice mechanisms, it indicates that women’s rights are better taken into consideration. Truth commission, trials and inclusion through new institutions are all important for victims to reach justice in post-conflict contexts. It is assumed that if women are included in these mechanisms, it will lead to a situation of increased justice for women in the post-conflict society and possibly also for the society at large.

4. RESEARCH DESIGN

4.1 Comparative case studies

Peacebuilding and post-conflict reconstruction looks different depending on context. The qualitative approach of case studies will thereby be of best use to this study as variations exist within the variables of analysis. Case study research differs from large N research as it is conducted through a small number of cases but with a large number of observations. Case studies give much diversity to the empirical observations in each case and constantly reflect on the relationship between empirical observations and theoretical concepts (Blatter & Haverland 2012:19). This study will build upon comparative case studies as this method approach is good for in-depth analysis and description of cases (King, Keohane and Verba 1994:44f). To come around selection bias in comparative research, cases will be chosen by Mill's method of difference, which is also called the 'most similar cases design'. It has been viewed as a good method as cases are not solely chosen on the outcome variable (Leuffen 2011:149f). In this technique, cases are matched on dichotomous variables. It assures similarities amongst the cases in background mechanisms (Gerring 2007). It is seldom that two cases are completely matched together but the most similar approach will assure that the cases are linked on relevant transitional justice mechanisms.

My study will be descriptive of events in the process but also analytical as it will provide an analysis of the material in accordance to the theoretical model explained in the previous chapter. The theoretical framework will be the base of my study from which I am guided in concepts and to test derived hypotheses.

4.1.1 Case selection

When choosing cases, some conditions were taken into consideration to narrow down the universe of cases for this study that would initially be all post-conflict countries. The first condition is that cases should include a *war ended in the post-cold war period*. The reason is that humanitarian interventions took a more prominent role in international work after this point and the peacebuilding processes changed. In the mid 1990's the norms of gender mainstreaming were also more established by the international community. The cases should also be of *civil war-character*. The definition of civil wars is an internal conflict with the total death number

of at least 1000 and where 25 deaths must have occurred in a single year (UCDP). It implies that the governance has collapsed, and transitional justice mechanisms are put in place. As a third, the *conflict shouldn't have happened too recently* as it is thereby harder to say something about the effects of the peace work. I will thereby look at civil wars that ended in between the years 1991-2006 which will imply a 15-year range. The fourth very important condition is that *mechanisms including women in the peace agreement*. The fifth condition is that there should be *peace*, at least negative, in the country today.

There are many countries in which women's involvement have led to peace with the conditions mentioned, such as the civil war in Guatemala, The Troubles in Ireland, Bosnia-Herzegovina, Mozambique, El Salvador, Burundi, Liberia and Rwanda. However only in Liberia, Guatemala, Burundi and Northern Ireland were women included in the peace agreements (Bell & O'Rourke 2007:32). Amongst the four, Burundi does not meet the criteria of having peace today. In 2016, Colombia signed a peace agreement where women participated and thereby also made the list (UNWOMEN) but it is too recent to be able to look at its progress of transitional justice. By having women present in peace negotiations assures that some conditions for women's involvement were present from start and laid the ground for further inclusion.

The case studies here land upon Guatemala and Liberia because of similarities between the transitional justice processes that will be listed below. Both countries are patriarchal and political representation is not high, but this study will address women's inclusion throughout the process.

4.1.2 The case studies: Guatemala and Liberia

Variable	Case	Guatemala	Liberia
Control variable	War ended between 1991-2006	Yes	Yes
Control variable	The country had civil war	Yes	Yes
Control variable	Gender mechanisms in peace agreement	Yes	Yes
Control variable	Peace in the country today	Yes	Yes
Control variable	Sexual violence in war	High	High
Mechanism of interest	Gender mainstreaming in truth commission	No	Yes
Dependent mechanism	Accountability of war-crimes against women reached after war	Yes	No

Liberia and Guatemala had similar proceedings in how the peace agreement came to involve many local women. In both cases, women mobilised over classes and ethnicities to seek an end

to the war and to reach justice (Chang et. Al 2015; Kvinna till kvinna 2012). In Liberia, a window of opportunity opened during war for women to reach a higher level of power at an informal level (Kvinna till Kvinna 2012:69). In Guatemala, women mobilised and lobbied at different levels of society to negotiate their goals for the peace. Women from civil society organised because they were tired of war and wanted justice (Chang et.al 2015). Because the independent variable participation in transitional justice mechanisms and the dependent variable justice for women after war are both unknown, mechanisms within these processes have been used to symbolise an interesting relationship.

Both countries had men and women involved in the armed forces during the civil war. Sexual violence that mostly targeted women was very high in both conflicts, which has also continued post-war. In the reconciliation work, both countries had a truth committee established to handle the atrocities and violence experienced during the war. Women have fought the system already during the war, which has also resulted in a Nobel Peace prize to one woman in each country. The war survivor that has been active for indigenous rights in Guatemala, Rigoberta Munchu received her prize in 1992 and the former Liberian president Ellen Johnson Sirleaf in 2011.

The major difference between Guatemala and Liberia in terms of transitional justice is that Guatemala has reached success in accountability through trials. The country has thereby incentives to be closer to have reached justice. Still, the Liberian process is assumed to be more gendered as their peace process ended close after resolution 1325 was implemented, a resolution that emphasized women's role in peacebuilding. Liberia was the first country in Africa to establish a national action plan on how to work with resolution 1325 in 2009. The country has a close international relationship and depend largely upon international aid which could imply a stronger gender focus as well. Guatemala's national action plan can't be found online but was implemented in 2017 according to one of the interviewees that has insight in UN's work in Guatemala. Was the process less gender sensitive in Guatemala and does it matter for women's achievements?

Other differences amongst the countries that can affect the results

There are factors that separates both countries. First, the length of the wars differs in the two cases. Guatemala’s war continued for 36 years from 1960-1996 whilst Liberia has had war for about 14 years, from 1989-1997 and 1999-2003. There is also a time difference between the wars as Guatemala’s war ended seven years before Liberia’s did. The fact that Guatemala has 15 460 732 inhabitants compared to Liberia’s 4 689 021 inhabitants (CIA factbook 2018) is also an important feature. Guatemala also has a GDP (PPP) of \$138.3 billion whilst Liberia has a GDP (PPP) of \$3.906 (ibid), which makes Guatemala’s ability to act alone without external help higher than in Liberia. This probably affect the countries abilities to act in terms of peacebuilding activities. However, even though Liberia is a much poorer and an aid-dependent country, so was also Rwanda and they had possibilities to get women’s rights established after their civil war and genocide. According to Transparency International’s ranking of corruption, Guatemala is at a worse level than what Liberia is which also ought to restrict Guatemala’s ability to work for change in state institutions.

Key facts	Liberia	Guatemala
Type of conflict	Civil war	Civil war with acts of genocide
Period of conflict	1989-1996, 1999-2003 (14 years)	1960-1996 (36 years)
Number of death toll in war	Appr. 150 000	Over 200 000
Population	4,689,021 (2017)	15,460,732 (2017)
GDP per capita	\$2.14 billion (2017)	\$70.81 billion (2017)
Post-war elections to date	2005, 2011, 2014, 2017	1999, 2003, 2007, 2011, 2015
Transparency International ranking corruption	122/180	143/180

4.3 Triangulation of data

My data will be organised through triangulation. It means that different types of data sources will work to investigate the relationship for my research puzzle. By combining different data sources, the validity of the measurement increases (Blatter and Haverland 2012:68). This will entail analysis through national documents, international reports and policy documents but also interviews and verbal aid.

4.3.1 Documents

Document analysis track the process of change within each case. It persists of skimming, reading and interpretation of data (Bowen 2009). The documents on transitional justice in the two countries of analysis is wide in scope and different in how it portrays parts of the process. Different organizations have collected data that covered one of my two countries, whereby the data have been mostly fact-based from different sources that were available. The study of documents follows a top-down approach where women's inclusion will be viewed from an international focus through organizational aspects. The documents and reports used for this study will be analysed in accordance with the first part of the analysis, to find out women's inclusion in the transitional justice mechanisms. Within the documents, information will be gathered that seek to understand women's role.

The most important documents used have been the peace agreements and the truth/historical clarification commission reports for the two countries. Inspiration has also been taken from the first informal truth commission report 'Never again' in Guatemala made by the catholic church to complement information on the CEH. Other documents that have been used are UN documents and reports from international organizations such as international crisis group and Amnesty International. Amongst the UN documents special interest has been to look at documents from UNWOMEN and UNDP, as UNWOMEN has a special focus on women's situation and UNDP has control of transitional justice implementation. Secondary sources and information from the news agency Reuters have been collected to reach a wider understanding of the situation in some situations. Reports have been collected from different years during the two processes due to limited information on the specific aspect.

4.3.2 Semi-structured interviews

Interview questions were formulated before the interviews were conducted. Questions were somewhat adapted to the country's own progress and history to make the information more relevant. Before conducting the interviews, much information on the countries' history was conceived to know the context of the wars. The interviews were set to about 40-50 minutes and they were all recorded through recording services over phone or computer. Three interviews were performed over skype and one over telephone as my respondents were in different places all over the world. It was thereby also hard for me to travel to my respondents.

Interviews were carried out with people at organizations with offices in the countries of analysis or that have worked in contact with women's organizations in the country. It has not been of importance that the interviewees have been active in building peace themselves as this research does not address women's own perceptions of the process. This would also be very hard to reach as the conflicts ended many years ago and there have been many women involved in different parts of the process. It is instead important that my respondents have close relationships with women's organizations in the country and/or have knowledge about the process from inside the country to reach more legitimacy next to the reports. A semi-structured technique was chosen to be able to ask follow-up questions and reach a more comprehensive and adaptive format to the respondents' different perspectives through their work. The interviews that were conceived focused on facts to reach valid information about the process. This interviewing technique is sensitive to word changings within questions as it can mislead the respondent (Kvale 2007). It has been accounted for throughout this study.

Interviewees

The search for interviewees was hard, especially to reach persons inside the two countries. It began through contacts with the Swedish organization Kvinna till Kvinna as they have an office in Liberia, and the Norwegian organization Fokus that is working in contact with Guatemalan women's organizations. It led me to two interviews, one respondent working with each country. I have also been in contact with SIDA – Sweden's development aid agency, the Swedish Ministry of Foreign Affairs, and Christian organizations placed in the countries. Most of the contacts did not lead to further correspondence. Even though my contact that works in Liberia forwarded my email to several women's organizations and after I independently contacted many of these organizations, no other contact was found in Liberia. One audio file from a meeting recorded by the United States Institute for Peace found online have been used as complementary data for Liberia. The material is a conference on women's role in reconciliation with representation from the World Bank, ECOWAS and regional organizations such as WIPNET and WOPNET (see annex 3 for description and participants of the meeting).

Three respondents were contacted in the case of Guatemala. Two of the interviewees were involved in international women's organizations and had both been living in Guatemala but at different times. One of my respondents lived in Guatemala from 2008-2014 and the other one during the last year (until May 2018). My third respondent, Carmen Rosa de Leon, is Guatemalan and participated in the peace negotiations through the civil society assembly. She was then in charge of the research sector at the time and thereby gives strong credibility with

her information. Her contact information was reached through the Swedish religious organization Diakonia. Today she works at the sustainable development research institute IEPADES.

The three interviews gave me more insight and an in-depth view of the situation for women's movements today next to the documents even though more interviews would have been to prefer, especially from Liberia. The verbal aids, such as the interviews and audio conference used, will be the major analysing tool for understanding if women have reached justice in the process. The information from the interviews will be divided into recognition, accountability and a reparational aspect. Due to more data in the case of Guatemala, the section from the interviews mostly focus on Guatemala's process to reach justice.

4.4 Validity and generalizability

To get as close to the true story as possible, multiple sources have been used. Different sources are seen to increase validity in the findings. Within qualitative studies there is a risk that generalizability is limited to the cases in question. Whilst quantitative studies might overstretch concepts, qualitative studies can limit the information of the concepts which gives validity but limits generalization of the results to other cases (Bennet 2004:34).

Risk of bias can also affect the validity of the study. The case selection is prone to selection bias, as there is no certainty that the relationship is true between the independent variable, participation of the war victim in the process, and the outcome variable reaching justice (Bennet 2004:39). It further leads to questions of equifinality where there are several causes that indicate the same outcome (Mahoney & Goertz 2006: 236). Participation is only one likely indicator for reaching justice but according to my theory where the victim is central in the process of transitional justice, it is the best available explanation. It is not believed to be the only outcome to justice but a variable that needs to be tested in its importance. However, the result could be affected by causal heterogeneity, where effects of women's participation can differ depending on the context and combination it is exposed of. The effect of causal heterogeneity is perceived as strong due to the wide scope of this study (Mahoney & Goertz 2006). Validity and generalizability will be further analysed after the study is implemented, under limitations.

5. DOCUMENT ANALYSIS ON WOMEN'S INCLUSION IN TRANSITIONAL JUSTICE

This chapter seeks to establish women's inclusion within the different transitional justice concepts; peace agreement, truth commission, trials and new gendered institutions. The conclusion of the chapter is that Guatemala seems to have a stronger women's perspective in the process of transitional justice.

5.1 Peace agreement

Liberia's outcome of women in peace agreement

Liberia has had 17 attempts to peace agreements from 1990 until the current Accra comprehensive Peace agreement went into place in 2003. The current agreement was the only one of the peace agreements where there were accountability mechanisms from the war in place (TRC Liberia). The accountability mechanisms were put there partly because women acted and wanted clarification of the meaning behind the peace agreement. Civil society organizations, where women's organizations are included, wanted a war crimes tribunal established after the war. The different war parties wanted to escape prosecutions, and so all parties agreed upon a truth commission to come to terms with history (ICTJ 2010). According to Leymah Gbowee from the Women Peace and Security network Africa, women put the benchmarks of the peace agreement in place. Women's organizations met for five days after the Accra peace agreement was put in place as they believed it did not come with concrete actions. Then they sat for three more days to draw up benchmarks for the agreement that had been negotiated (Audio conference).

In Liberia, no women were included amongst the signatories or the negotiation teams. 17 percent of the witnesses in the negotiations were women, but they had no voting power or chance of commenting on their own. To get their voice heard, they had to talk through the men who was formally invited. Eight women were represented as witnesses at start from the Mano River Women's Network and later in the process the Liberian women of peacebuilding program (WIPNET) participated, both without the possibility to vote or speak during the negotiations (UNWOMEN 2012). Women in Liberia were thereby not given their own voice in the peace agreement procedure. A few days later women's organizations held their own

meeting in Accra under one day where they discussed the peace talks and stated proposals for women's inclusion in peacebuilding and all institutions in Liberia under the name The Golden Tulip Declaration. This document was distributed to ECOWAS, UN agencies, US ambassadors and Ghana's and Liberia's governments, NGO coalitions and Media.

The Accra peace agreement has a gender language incorporated in the agreement as it addresses women's rights in following articles; Article 16: Establishment of a governance reform commission; Article 24: Establishment of a National Transitional Legislative Assembly (NTLA); Article 28: national balance and; Article 31: Vulnerable groups. The most important one is article 28 that "[t]he Parties shall reflect national and gender balance in all elective and non-elective appointments within the NTGL"¹ (Peace agreement: Liberia). Although this has been viewed as a progressive approach, it wasn't fulfilled in practice. Only 3 out of 21 cabinet members in the transitional government were women (Peace Accords Matrix: Date of retrieval: 06/23/2018). Even if women in Liberia were active in making their voice heard and engaging in their own conferences, this was a process that existed in parallel to the formal peace negotiations. Women's participation in the peace process can thereby be described as low as women did not have the chance for real influence in the negotiations.

Guatemala's outcome of women in peace agreement

In Guatemala, the peace agreement from 1996 has been very important to this day for women's organizations. Not many women were present at the signing of the agreement itself, but the agreement included a language that was gender sensitive. The major achievement was the inclusion of the women's sector through the Asamblea de la Sociedad civil (ASC), which represented civil society. This was the first time a women's sector was represented on its own. The women's sector was composed of 32 women's organizations that represented different fractions of civil society including human rights groups, trade unions and academia (IPTI 2017). The assembly helped with proposals for the peace agreements that later got into voting at the negotiation table. With the inclusion of women's organizations, the language within the peace agreement became gender inclusive. Gender specific requirements were included in 5 of the 13 different peace accords between 1994-1996 and 11 out of the total 13 accords included a language that was gendered (IPTI 2017). According to one of my respondents that was included in the academia section, women were present in all sectors and not only in the

¹ The National Transitional Government of Liberia

women's sector of the assembly. Her perception is that women had a representative role in the civil society assembly and the peace process overall (Interview with Carmen Rosa de Leon).

From UN Women's protocols, 11 percent of the signatories in Guatemala were women and 10 percent women were included in negotiating teams. It is also important to state the background of the women involved in the formal process. Luz Mendez, from the rebel group URNG, was the only woman that signed the peace agreement in Guatemala. Mendez, being the most active to promote women's rights, had strong ties to civil society and participated in the Beijing women's conference in 1995 where gender mainstreaming was lifted as a policy inducement and was thereby influenced by her experiences there. She was able to negotiate terms that profited women beyond her party through her cooperation with the women's sector. The mediator of the peace process, Jean Arnault, also had a role in women's inclusion in the language of the peace agreement. He helped endorse the recommendations and concerns from the women's organizations (UNWOMEN 2012).

The Guatemalan peace agreement is built on many accords and is very extensive in its format. Women are addressed in terms of indigenous women's rights, participation of women in economic and social development, education and training, housing, health, labour, organization and participation, legislation, social participation and the role of women in strengthening civilian power. Within the whole peace agreement, women's participation is uplifted as something positive which should be assured by the state (Guatemalan peace agreement).

The progress of the Guatemalan peace talks in relation to Liberia's was that women's organizations had a channel for including gender-specific language into the agreements and formal discussions through the ASC. The informal presence of women was thereby stronger as they were able to influence the negotiation process within their active role in civil society organizations. That women's perspectives got addressed through the Guatemalan peace negotiations can have made the process more stable for peace through the positive impact on adding women according to research by Laurel Stone (2015). It might also indicate a lack of effectiveness and risks of missing important solutions if women are not included (Bell & O'Rourke 2007:31).

Figure 3. Women in peace negotiations

Peace agreement	Liberia	Guatemala
Women formally present	0	Luz Mendez from URNG was advisor to the four negotiators from her party and thereby able to influence the track 1 formal peace negotiations
Women informally present	8 Witnesses without ability to vote (rep. 17 percent)	ASC – 32 women’s organisations with channel to impact negotiations

5.2 Truth committee vs. Historical clarification

The commissions that were brought up in Guatemala and Liberia had different mandates and formations. Whilst Liberia had a truth commission established, Guatemala had a Historical Clarification Commission (CEH) free of public testimonies from witnesses. In Guatemala, there were two commissions working to establish a unified picture of what had happened during the war, one informal and one formal. The informal commission, called Recovery of Historical Memory project (REMHI), was not under an international or national mandate but established by bishop Gerardí from the Catholic Church. His project of truth-seeking began before the end of the conflict and he was able to name about 1000 individuals and military members involved in the conflict. Two days after his work was published in a report called *Nunca Más* (never again) 1998, he was assassinated (GHRC 2011). This part will address the formal commission in Guatemala, CEH, but it is important to address the work done by the bishop as contributory in reach of justice.

The time disposed on the two countries’ commissions have been different. The Guatemalan commission had three months of preparations and then only worked for 18 months, from august 1997 to October 1998 (Chapman & Ball 2001). The Liberian Truth commission instead worked for three years and four months from February 2006 until June 2009 (TRC Liberia). The budget for the both commissions were also different and probably affected the work. The total budget of the Guatemalan commission was set to over \$10 million (Chapman & Ball 2001; Quinn & Freeman 2003). The funding for the commission’s work came from both government and international actors (ibid). The budget amount for the Liberian truth commission, which both had a longer mandate and more staff operating, was \$6 million.

Which indicates that Guatemala had more money and a shorter time span to carry out its work, as can also be seen from the figure below.

Figure 4. Mandate of the commissions

	Liberia	Guatemala
Mandate	Truth commission Liberia	Historical Clarification commission Guatemala
Commission operating	2006-2009	1997-1999
Original time frame	2 years (+ nine months extension)	6 months (+possibility of 6 months extension)
Truth commission budget	\$6 million	Over \$10 million
Length of truth commission report	370 pages	286 pages in official public report of recommendations & conclusions (5 volumes in total = 1596 pages)

Source: CE, Liberia TRC, Chapman & Ball 2001, Quinn & Freedman 2008

Liberia truth commission outcome:

The truth commission in Liberia had a mandate of nine commissioners originally. One of the commissioners resigned already before the work had begun, which make the total number of commissioners eight. Four of these commissioners were women, which makes the leadership equal amongst men and women. The peace agreement only mentions general equality amongst commissioners but not gender representation. “Membership of the Commission shall be drawn from a cross-section of Liberian society. The Parties request that the International Community provide the necessary financial and technical support for the operations of the Commission.” (Liberian peace agreement). The truth commission has thereby gone further in gender equality than what was requested.

The inclusion of a gender perspective in the truth commission mandate was present from the beginning of the commission’s work. Within the Liberian truth commission mandate, gender was included when collecting victims’ statements. The commission also had workshops in four different areas of Liberia and fifteen town hall meetings to make a gender policy document for the TRC. Which did not, however, turn out according to plan as only 21 of the 73 witnesses that appeared in public hearings before the commission in 2008 were women (Amnesty AFR 34/002/2008). The major failure is considered lack of protection to the victims that publicly testified (ibid). The representation of women and men’s testimonies in the commission report were however close to equal with 47,2 percent women testimonies. As the

report had a high representation of women and a gender focus, the result of the Liberian truth commission must be considered high in terms of women's participation and inclusion. The lack of security for women during public testimonies is however considered to be a failure.

Guatemalan truth commission outcome:

The Guatemalan commission had three commissioners employed in their work, one social scientist and two lawyers. Two of them were from Guatemala, chosen to represent both the ladino and indigenous community. The third one, which was the chair of the committee, was a foreign commissioner that had previously worked for the UN in Guatemala (Chapman & Ball 2001). The composition of staff was established through the peace agreement. The staff working for the commission was thereby both internationals and nationals. To have both national and international staff employed in the commission is good for reducing threats and assure a non-biased process (Quinn & Freeman 2003; Chapman & Ball 2001). None of the commissioners in Guatemala were however women.

In Guatemala's first truth commission report REMHI, women gave half of the testimonies. In the second and official report CEH, women are said to represent 40 percent of the people that testified. It is a representable number and shows that women's opinions and experiences are present in the commission's report. This is only testimonies that have been collected by staff and women did thereby not have to give public testimonies in front of their perpetrators through the commission's mandate.

The gender perspective of the commission's work is lacking both when taking testimonies and in the language of the report. The focus lands upon inclusion of the indigenous community that, established through the commission's work, had been subjected to most of the violence during the war. It was thereby considered more important to reduce language barriers so the women (and men) from the indigenous community could tell their story. Considering that many of the survivors after war were women, the commission's work cannot be seen to have been inclusive in terms of women and gender.

Figure 5. Gender in the commissions

Mission	Liberia	Guatemala
Commissioners	8 commissioners (9 originally) + 3 technical advisers	3
Composition nationals/ international commissioners	0 foreign commissioners 8 National commissioners 3 foreign technical advisers	1 foreign commissioner, 2 National commissioners
Women commissioners	4 (50 %)	No
Gender sensitive in mission	Yes	No
Statements in numbers	17 416	11 000
Percentage of women testimonies	47, 2 % (52, 3 % men)	Appr. 40 %

Made by author. Source: CEH, Liberia TCR, AAAS

Selecting the right commissioners have been important for success in the commission overall. This implies a mix of international and national commissioners to reduce criticism and bias of commissioners choosing side in the conflict (Quinn & Freedman 2003, Chapman & Ball 2001). Liberia's strong gender focus ought to have had a better prospect for women's perspectives to be included in the following transitional justice mechanisms.

5.3 Accountability of war crimes

Trials/hearings in Liberia

There have not been any trials against perpetrators of the war in Liberia. The former war-general and president Charles Taylor fled into Sierra Leone after the war in Liberia. He has been sentenced in Sierra Leone for crimes committed there. This has however not had any impact on women in Liberia and the justice from trial are thereby low.

War victims in Liberia had the possibility to testify in hearings and to face predators in the truth commission trials. Different hearings had different themes that was often attended by an expert on different topics, themes such as experiences of women during conflict, experiences of children during conflict and economic crimes. 108 perpetrators attended the hearings of totally 607 witnesses. Some voluntarily but most of the perpetrators did so because they were obliged through a list of names published by the commission. (ICTJ 2010:8f). There are indications that victims were lacking faith in the truth commission as some victims under hearings accused the truth commissioners of being involved in the war (ICTJ 2010:9).

Women's organizations were the ones recommending the establishment of a war crimes court in Liberia under the banner of Grand Kru County Women (Amnesty AFR 34/002/2008). This has however not been implemented in the country today. The commission also proposed two measures for prosecutions of war trials in Liberia, either a domestic criminal court or an international domestic court (TRC Liberia). International trials have been used in USA to prosecute Charles Taylor's son for crimes committed in Liberia as head of an anti-terrorist movement, and the politician George Boley that was also active in the war (ICTJ 2010:19). The international centre for transitional justice stated in 2010 that the domestic juridical system in Liberia lacks the ability to competently implement any war-related prosecutions within the nearest future (ICTJ 2010).

Within Amnesty reports from 2004 and 2007 it is noted that the judicial system in Liberia lacks structure, qualified personnel with professionalism and resources as well as salaries for judges, prosecutors and lawyers to continue their work (Amnesty AFR 34/012/2004; AFR 34/001/2007). Another problem that is mentioned in the 2007 Amnesty report is the non-existence of medical records and evidence to prove prosecutors guilt. Which probably has had an impact on the lack of legal verdicts in Liberia, especially in consideration to cases of sexual violence. No recent reports have been made that states the judicial situation in Liberia today.

Trials/hearings in Guatemala

In Guatemala, there have been especially three different trials that have had great impact on women's recognition which women have also led. It is the first trial in the country against former dictator Ríos Montt, the case of mass deaths from the Mayan village area Sepur Zarco and a disappeared boy in the Molina Theissen case. Below, the situation of the three trials will be explained shortly.

1. The Dos Erres Massacre – the trial of Ríos Montt
2. Sepur Zarco trials
3. Molina Theissen trial

Efraín Ríos Montt was the national leader and dictator during the most horrid years of the war, 1982-1983. His leadership of the national administration during the Dos Erres Massacre made him face trial of human rights abuse and genocide. He was up for trial in 2013 and sentenced to 80 years in prison until the top court dismissed the charges a few days later and he was freed (Human rights watch: Guatemala 2018). His case was opened for trial again

2017 but he died in April 2018 before the case was tested (Reuters 2018: B). Even as Montt was not found guilty before his death, the case has had strong influence on the transitional justice process. Never had a former head of state been charged of genocide by a national court in any place in the world. It is often the international court that takes on these cases. Four soldiers that were active in the Dos Erres massacre were together sentenced to over 6000 years in prison in 2011 and a fifth soldier sentenced again the year after (IJM 2018).

In 26th of February 2016, there was a historic trial of the massacre at Sepur Zarco where the remaining fifteen victims finally received justice for what they had been through. The victims that testified were all Mayan Q'eqchi women referred to as 'the Sepur Zarco grandmothers' because of their now old age. It took 22 hearings before the case was closed and ended in a conviction of 120 years and 240 years respectively for the two military officers for rape, murder and slavery (UNWOMEN 2017, NISGUA). The women were also granted reparations both individually and for the community of the area Sepur Zarco. The reparations included for the government to improve school and health facilities in the area Sepur Zarco and for the government to reopen cases on reimbursement of indigenous land (UNWOMEN 2017, NISGUA). The case of Sepur Zarco was of high importance as it was the first time in world history a national court charged acts of sexual slavery in war.

On 22nd of May 2018, four former military officers were convicted of rape and forced disappearances during the war. The case considered a disappearing of Marco Antonio Molina Theissen, taken by military men during the war in search for his activist sister Emma who was not at home by the time the army got there. Emma Molina Theissen testified and gave declaration also for her time in the army's captivity where she experienced torture and sexual violence. Her mother and sister also testified in the courtroom. Emma has said that since the case of the Sepur Zarco women's testimonies led to convictions, she too has felt encouraged to tell her truth (IJM 2018). One of the convicted, General Manuel Benedicto Lucas Garcia, is brother to the former president of Guatemala, Fernando Romeo Lucas Garcia. He and two of the other military officers received a sentence of 58 years and the fourth one to 33 years in prison. A fifth officer was also up for trial but was cleared of charges (Reuters 2018, A).

In all these three cases, women were the main witnesses. Women had experienced physical abuse and sexual violence during war or was kidnapped but managed to escape. They were mostly left behind with a loss of their men, family members and/or children that had been killed. Women knew where the victims were buried and could tell their stories of what had happened, even if it wasn't easy to come to that point (Interview with Carmen Rosa de Leon).

Importance of an independent body for justice

The international commission to eradicate impunity, CICIG, has also pushed juridical processes in Guatemala. The commission was established 2006 in an agreement between Guatemalan government and the UN and it is externally funded. With the commission involved, government actors have been sentenced for corruption. In 2015, former president Otto Perez Molina and his vice president Baldetti had to resign and was up for trial of corruption together with other ministers in the former government, from which they were also convicted (Swedish MFA, Taylor 2017). The commission has been of great help to other national instances as it puts pressure of correctness and rule of law. The current state administration under president Jimmy Morales has made attempts to remove the leading commissioner of the CICIG, Iván Valásquez, in August 2017 but this was condemned from international actors and not proceeded (Human Rights Watch: Guatemala 2018).

Sexual violence reporting and impunity within both processes

The report “Addressing Impunity for rape in Liberia” made by UNMIL in 2016 show low levels of verdicts for crimes of sexual violence. Many perpetrators have been arrested but then later freed. Gender-based violence and rape only has a conviction rate of 2-4 percent derived from numbers of 2015/2016. It should mean the impunity level lies at 96-98 percent. The high impunity is said to depend upon legal and institutional weakness, attitudes amongst society, corruption, unwillingness amongst government officials to tackle the problem and logistical constraints (UNMIL 2016).

Sexual violence in Guatemala have been underreported and considered a stigma and filled with guilt, which is why these cases have not been reported as much from other forms of violence (REMHI 1999, CEH). Within the war, people also talked about the spread and setting of ‘machista’ values as gang rape and that men’s power over women were imposed under such a long period during the war. It is perceived that this macho ideal and violence have continued until today. The impunity level in Guatemala is also very high, with a number over 90 percent impunity for most crimes. Violence against women or femicide is reported by UN WOMEN to lie at a 98 percent impunity level.

Amnesty within both processes

In Liberia, there was a partial amnesty to children and perpetrators of lesser crimes that stepped forward to the truth commission. Gross violations were not covered by amnesty

(TC:9f). The difference between the two commissions in terms of perpetrators, is that the Liberian commission names 98 perpetrators in their report. This is listed as a recommendation for punishment of human rights crimes and war crimes by the commission (TC:332ff). There are also recommendations of names for further investigation in the report (TC:336ff).

No names of perpetrators are listed in the Guatemalan commission, which is also the intention from start, to get people to step forward from all sides. The choice to not publish names of individuals for the crimes of the Guatemalan war was already set in the Oslo Accord, which was one part of the peace signing process. The leading commissioner also states that naming all perpetrators would have been impossible with the mandate the commission was under and the resources of only three commissioners (Rothenberg 2012: xvii).

5.4 Women's place in new institutions

Guatemala

The government of Guatemala has established mechanisms for reform in accordance with the peace agreement of 1996. Two institutional bodies that have been set into place with focus on women are DEMI- Defensoría de la Mujer Indígena and SEPREM- Secretaría Precedencial de la Mujer. DEMI is meant to put focus on the specific situation and violence indigenous women experience. SEPREM is an advisory and coordination unit that promotes women's development in public policy. These institutions are the most important in place for women's rights. Guatemala also has an Ombudsman's office for the defence of women, Gender units in all ministries and a Vice-president Special Cabinet for women (GEM). On a municipal level there is also Municipal Offices for Women (OMM) that promotes women's participation and development on a local and regional level (UNWOMEN).

Another state body that works to implement the peace agreement, and that also has a special focus on women is El foro nacional de Mujer. This institutional body was implemented by the state in response of the peace agreement, where the state was bound to take on such an institution. The peace institution is often struggling with economic resources to carry out its work. Even so, the state has contributed to implementation of some of the institution's work. One example is that they have financed mechanisms for the national action plan of resolution 1325 presented in 2017 (Respondent 2). In connection to the signing of the final peace accord, a law to protect, sanction and eradicate domestic violence was introduced. It was considered a

major advancement for being implemented in 1996. It led to the establishment of a National Coordinator for the Prevention of Domestic Violence and Violence against Women - CONAPREVI (UNWOMEN 2016).

In Guatemala, there is since 2008 a law that prohibits femicide crimes (murder of women because of their sex) and other crimes of violence against women. The law of 2008 made Guatemala the first Latin American country to recognize femicide as a unique crime. This was only possible because of women's organizations influence work with help from the international community (SMFA). The law against femicide led to the establishment of organs of justice specialized in violence against women. These organs were based upon human rights standards (UNWOMEN). However, indigenous women face complications with the justice system as it mainly operates in Spanish and not in native languages. This has complicated indigenous rights to justice for violent acts (SIGI report).

Even though the attitude of talking about sexuality and sexual violence has become more open with time, there is still stigma in reporting sexual violence. As the impunity for sexual violence cases is as high as 98 percent, there are indications that nothing will happen when a woman presses charges against her violator. Many women's organizations are thereby working to assure that the high impunity levels don't become reasons for women to let go of pressing charges against their violators (SMFA). Women's work of influence has had positive effects on the sexual violence dynamic. It is noted by two of my respondents that Guatemala as a society has become more open to talk about sexuality in terms of abortion and sexual abuse in public debates (Respondent 1: Guatemala; Interview Carmen Rosa de Leon). Still, Guatemala has amongst the highest levels of deadly violence against women. The president of Guatemala is right now accused of several cases of sexual harassment against female members of his cabinet staff (Interview: Carmen Rosa de Leon). Which indicates that women's rights are not the president's top priority.

Liberia

When the peace mission in Liberia started, there was a high incorporation of gender in theory amongst different policy documents. Within the UNMIL peacekeeping operation a Senior Gender Adviser was put in place and the international forces also created a Gender Unit. This was all in line with the resolution 1325. The advisor works under the Ministry of gender and development established in 2001, but the department has from start been in lack on finance (Amnesty AFR 34/012/2004).

The truth commission showed that 60-70 percent of the violence in the war was sexually related. This is something that has continued in consequence of the war. The civil society and women's movements have been active around sexual violence issues and have worked to impact the government of Liberia. They have used contacts within the government to achieve changes but also cooperated with UN bodies, international NGOs and bilateral and multilateral agencies with an interest in anti-rape efforts to get assistance for their work to lobby the government (Medie 2013). As NGOs and governmental instances are underfinanced, this has however led external actors to set a priority agenda, which has focused mostly on issues of rape (ibid). It implies that external actors are setting the agenda of where the money should go.

The National Police force was remade in 2004 after the war had ended. Victims of sexual violence don't trust the institution as impunity of cases and corruption are common features and sexual violence cases are not prioritised by the police.² The government has established peace huts throughout Liberia where women can talk about their problems, inequality in their community and share stories of abuse and sexual violence. These have been useful for work outside of the capital. The national police are working with the peace huts to improve crime rates and reach victims. Due to lack in trust of the police, civil society and NGOs have helped victims in their pursuit of justice. Women's NGOs have provided guidance to the police in how they should prevent withdrawal from sexual violence victims. NGO staff have also visited police stations to make them prioritise sexual violence cases (Medie 2013).

The Association of Female Lawyers of Liberia (AFELL) have provided women with free legal services in special accordance to rape victims and they have helped women that are denied land rights (CEDAW 2008). The AFELL organization also drafted a law proposal on the fight against gender-based violence in 2003. It came into force in 2006 and was at the time considered a "landmark legislation" (Conflict group 2012). Many of the women's rights organizations have worked together and lobbied the government for legal change and amendments for the rape law (Medie 2013:388) Other laws that came into force in 2006 were the national policy on girl's education and the law on rape with inclusion of spousal rape. In 2008 there was an establishment of a Gender and Sexually Based Violence Act that created a special sexual violence court. In 2017 another law was passed to prevent domestic violence.

² As all institutions are under-financed, cases of murder and treason are prioritised amongst the police over cases of sexual violence and rape.

Violence against women has not decreased in Liberia, which implies an implementation problem with the laws in place.

One hinder for women is the existence of Hinterland laws, that coexists next to the constitution. These are unwritten laws and traditional practices that mostly exists in rural areas. Women's position and rights are considered more threatened under these practices as women are considered a property of her husband, early marriages are more common and so is also female genital mutilation (CEDAW 2008, Kvinna till kvinna 2012). Both internal actors in form of the Ministry of Internal Affairs and international actors from the UN and external donors, have acted for a change in the Hinterland practices. Workshops have been carried out with traditional leaders in 15 counties in Liberia. In 2017, more than 250 traditional leaders were trained on how to respond to sexual violence and rape abuses in their communities (UNWOMEN 2017)

The restraint of Liberian women's rights is thereby facing problems of weak institutions with financial shortcomings, traditional and cultural practices in place on the countryside and nepotism and corruption in place in the government. Women's political situation hasn't improved remarkably, even though a few more women were represented in government with the President Ellen Johnson Sirleaf from previous presidents (Fuest 2008). There is no law to grant women political representation by a quota system. Women's organizations together with donors and UN bodies are trying to change women's situation by lobbying laws and train officials and traditional leaders.

6. ANALYSIS OF INTERVIEWS

This chapter seeks to establish how the processes have differed in terms of justice. Guatemala will be the leading case as they have had a higher inclusion of women in the process and their reach for justice in terms of recognition, accountability and reparation will be explained and contrasted to Liberia's process. The data in this chapter relies on interviews.

6.1 Guatemala's reach of justice after war

6.1.1 Recognition- the most important factor for the indigenous women

Most of the violence in Guatemala was carried out by the state to, at some extent, eliminate the indigenous population in the country (CEH). Mayan groups represent about half of the population in Guatemala and they have been discriminated from the state throughout history. The long war of 36 years was further marginalizing and harassing the indigenous population. After many women lost their family members, they started to talk and form organizations and networks to strengthen the alliances amongst each other. Their mobilization evolved around documenting missing people, keep out further militarization but also to reach strength from what they have been through in the war and work to get political rights (Respondent 1: Guatemala). Women organized differently on the countryside than from within the urban areas. Many organizations do support each other and know that they need to work together to get results. In some issues, particularly concerning territories, it has been common to also work together with campesino organizations, where there are more men represented (ibid). It makes the civil society in Guatemala dynamic as organizations work together around rights in different questions.

Franke (2006) noted that research mostly focused on recognition and emphasized that there must be more focus on redistribution in terms of transitional justice. However, in the case of Guatemala it was the recognition that seemed to be of most importance to the women. As the women began to speak in the Rios Montt trials, they reached recognition amongst common Guatemalans that wasn't aware of the horrible acts against the indigenous community and what women had experienced during war (Interview: Carmen Rosa de Leon). Before the women spoke, the focus of war was of the guerrilla and the army. Not much attention was paid to the situation of women and children. People from different social groups were impacted of women's stories and people realised then the hard situation women experienced during the war (Interview: Carmen Rosa de Leon). Information from my respondents indicate

that victims did want to get heard in the process and to be believed foremost. They also wanted to have a better situation and for state resources to compensate through facilities for the victims (Respondent 2: Guatemala).

Through women's work in the peace negotiations, Carmen Rosa believes that the recognition of women established already from the beginning of the process. Her perception is that women's situation was represented not only through women's sector but also through other sectors (Interview: Carmen Rosa de Leon). My other respondents that come from international organizations imply that the process wasn't inclusive of women but that women really had to fight to get some space in the negotiation room. Many Guatemalan women are proud of the work laid out in the peace agreements (Respondent 1: Guatemala, Respondent 2: Guatemala). Since women were represented to some extent in the negotiations it might be perceived as the process was more inclusive than it was.

6.1.2 Long time to reach some accountability from war

It is more than 20 years since the war ended in Guatemala and it was only a few years ago that war predators started to be convicted of war crimes. After talking to my respondents, it was clear that much time was needed for preparing the women to talk. They also needed time to process what had happened during the war. It was very difficult for indigenous women to talk about their situation. Within the indigenous community, there is restrictions to talk about abuse and sexual violence in public. Even amongst Guatemalan people, it is hard for women to talk about abuse as it is considered a personal matter (Interview: Carmen Rosa de Leon). It took a lot of preparation from women's- and human rights- organizations to work with the indigenous women. They needed to know that their voice would lead to something, that there was going to be a difference for them after they had told their story. Something that is often a struggle with victims of sexual abuse in Guatemala, as they seldom talk because they know it will not lead to change (ibid).

The fact that the indigenous women did speak about what happened to them during the war is considered one of the major reasons to Guatemala's success in accountability for the war. The women needed to, besides knowing that their voices were going to result in a change of situation, feel secure enough to talk. It was not easy as the women faced difficulties because they were women, that they were indigenous and because they were talking in their own language in the courts (Interview: Carmen Rosa de Leon). It took time and was a difficult

procedure but as the women began to talk, it led to recognition and further courage amongst other women.

“I think it is because of the women that we know what happened in the past. The children were too little, most of them are adults now but they can't remember what happened. They can only remember the scenes. It was the voice of the women, the only ones, that can tell you what the war and violence they experienced looked like in their communities”

(Interview: Carmen Rosa de Leon).

The length of the proceedings had impacts on all the people involved. The Sepur Zarco women referred to as the ‘Sepur Zarco grandmothers’ are all about 80 years old. One of the Sepur Zarco women died before the conviction came. The state has also not yet acted on the reparations they were juridically bound to pay for this case. Something that may not even happen in the lifetime of the other Sepur Zarco women (Respondent 2: Guatemala). Rios Montt, the dictator that was first up for trial from the war in Guatemala and who’s case was recently reopened, died before his case was tested. It makes further trials more difficult to proceed. The time leading up to the trials was, according to Carmen Rosa, necessary for the victims in their reconciliation process of what they had been through. They needed much time to prepare for the trials (Interview: Carmen Rosa de Leon).

Within the trials of Rios Montt, Sepur Zarco and Molina Theissen that all have been very important for women to tell their stories, a polarization has grown within society. Either you take the side of the army or against. If one takes the army’s side, he/she is considered a good person whilst if taking the other side, one is considered a communist. The judges that have been involved in the trials and now have experience from these trials are also blamed for not being objective, because the judge has once taken the victim’s side. Something that prevents some issues from being discussed in society (Interview: Carmen Rosa de Leon). This is something Carmen Rosa thinks depends upon difficulties in the reconciliation. Guatemalans have accepted some guilt from the war, but the reasons of the past have not been thoroughly dealt with. Each time a trial takes place, people talk about the reasons of the war with the army and the communists and not on the issues that are relevant (Interview: Carmen Rosa de Leon). It can be perceived as further victimization of the people that suffer from the war if victims’ stories in the future might have more troubles of getting recognised through the juridical system.

6.1.3 Guatemala today – in reach of reparation?

Within Guatemala, there are still people that deny what happened to the Mayan population during the war. It is mostly people from middle and upper class that live in urban cities. They were not as affected by the war as other groups, as the conflict was mostly rural. Guatemala is a country that has been run by the military for a long time and many people still see the army as a protector. Many from the middle class believe that the army saved the country from communism., according to Carmen Rosa. “It’s a society too thighed to the past, too thighed to the conservative issue that the military defend us and where people who talk bad of the military are communists” (Interview: Carmen Rosa de Leon).

The reparations that were granted to the victims of Sepur Zarco have not been carried out by the state. These reparations came with the verdicts and granted the victims’ rights to social facilities such as health and school buildings in the area. As Sepur Zarco is an area in Guatemala that lays upon land that is not state property but owned by individuals. The state needs to get hold of a piece of this land to build the facilities on which they are bound to act. As the processes run slow, there is a risk that the women from Sepur Zarco, which are already very old, might not live until then (Respondent 2: Guatemala).

The situation for women in Guatemala is still hard with high levels of sexual violence and low political representation, but women are taking leading positions in society. There are more women in the justice system than in the government or congress. The society is changing to the better slowly and women are taking leading roles in other areas such as human rights organizations and civil society. Still, there are many challenges. The political parties discriminate against women and welfare is underfinanced in the country. The president, who is known as to be conservative and religious, is currently accused for abuse of women. His priority is not to increase women’s right.

Women were not given space in peacebuilding. The reason to why they succeeded was because they dared to take the space and that they demanded it themselves. It was the core of the women’s participation (Respondent 1: Guatemala; Respondent 2: Guatemala). This is also apparent by a witness in the first truth commission report in Guatemala, the REMHI report, women had to take on much more responsibility after the war.

“When we women began to call for our disappeared relatives, for life, for freedom from military dictatorships that totally dominated the country, then women’s activism began to be more apparent. Even the army was surprised. It was unbelievable that these little women. These little

girls, frail as they are, faced up to an army that has always been feared, do you understand me? That's when I think they began to realize that the participation of women is effective, that women are courageous. Because no one could believe that we women could face, harass, and chase away the army. At least that's how it was, it literally was like that: women chased the army away. It wasn't that it could be done, *it was because we dared to do it.*" (Interview 0151 from the REMHI report 1999, italic inserted by author)

6.2 The lack of justice in Liberia

Within the transitional justice process, much efforts were put on making women in Liberia aware of the truth commission and to make women participate (Amnesty AFR 34/002/2008). Women's organizations in Liberia have worked hard but the movement seems to have stopped at the grassroot level. Even as Liberia is the first country in Africa to have had a female president, women from many peace- and women's movements report that she wasn't a president for women in practice (audio conference). What women's organizations have been able to achieve is to create a large network of women that works with peace activities in the country. From this they have achieved international recognition and their work on disarmament, demobilisation and reintegration (DDR) have spread to other countries in the region (ibid).

The lack of reconciliation practices and unity amongst the Liberians is noted as one reason to why there is no progress in the Liberian case in terms of transitional justice (respondent 1, Liberia). The unity of women and the attention both nationally and internationally is all dependent on the movement formed by many local women. If the local women's engagement hadn't been there from start, it is unlikely that the process would have received the same gender focus from the outside and successes that have come with women's work. It proves women's importance in the process. Still, the movement hasn't reached into national institutions but rather works in parallel to the democratic system.

Women in Liberia reached international and national recognition a short time after the peace agreement was settled (Kvinna till Kvinna 2012). There has been a focus on gender inclusion throughout the whole peacebuilding process, but this doesn't seem to include women's representation in practice. Women were left out of the peace negotiations and have since then relied on their own movement for change. International actors have been there to support but without help from the state transformation to justice have been missing. Accountability through trials have not worked in the Liberian case as they did not have any formal trials but

only hearings. Within the hearings there was also lack of security for the women that did participate and told their story. Liberia also had amnesty for the perpetrators because they wanted to get their perspectives in testimonies.

Reparation through new institutions has implied some new laws, peace huts and gender advisors for women but no institutional body with a more permanent mission. It seems that there has also been lack of implementation from the Liberian state to fulfil the laws to prevent sexual violence and abuse.

6.3 Factors that differentiate Guatemala from Liberia

Besides women's strength in organizing and forming alliances, favourable factors have helped the process along in Guatemala that didn't exist in Liberia. These are factors that, according to my analysis of documents and my respondents' answers, probably helped much of the investigations in Guatemala and the ability to prosecute war-predators with available information.

1. Security during testimonies and time for reparation

At first, women that testified in Guatemala had security, not from state actors, but from national- and international human rights- and women's organizations (Interview: Carmen Rosa de Leon). The women have also had time to process what happened and find strength in talking with each other. It was a long process of assuring the survivors of the war to tell their stories. When some of the women came forward with their stories in the first Ríos Montt case and the justice system, as well as the society, listened to the women's stories, courage increased amongst other indigenous women. It was a positive snowball effect of other victims stepping forward and cases taking form. Within Liberia, lack of security has been noted as one of the flaws to why women did not testify in the truth commission. They were afraid because of the social stigma that would follow as many of their predators lived closely to them.

2. Institution to address impunity- CICIG

Women's organizations in Guatemala has had an advantage from start with the CICIG body – the international commission against impunity in Guatemala. It is a body that was created right after the peace accords were in place and it was a negotiation between the international community and the Guatemalan state. Many of the people in the government today still have connections to the army and the people that was in governmental positions during the war. As

noted by Carmen Rosa “CICIG is clarifying that these people are still there inside the state. That’s why it’s very difficult to change the vision of society because they are still in power even after we signed the peace agreement.” (Interview: Carmen Rosa de Leon) CICIG has had positive results for the work against impunity in Guatemala. With help of CICIG, the former president Molina and vice president Baldetti were convicted with charges of corruption. It has thereby helped assure accountability from the state.

Within Liberia, the same people that started the war are still in government today. There was no institution of impunity established that could investigate the corruption and impunity within the state. One woman that works for a donor women’s organization in Liberia says that there is high corruption within the country and that there is no trust or confidence to institutions. She also states that there is no interest or motivation to change from the top of society and that the change would need to come from top-down for something to happen (Respondent 1: Liberia). If Liberia would have had a body to address impunity such as CICIG, there is a chance that accountability could have been more easily addressed.

3. Disclosure of hidden police registers as important evidence

Another factor that has been helpful in the strive of justice in Guatemala is evidence that was found to confirm women’s stories. In 2005, police archives were found by accident in a vault that contained records and documents that dated back to the 1800s. The large number of documents, about 80 million pages, have been scanned and made digitalized. In 2009, about 12 million pages were made public (Reuters 2012). This has helped the process along to reach justice and has provided evidence for trials and of what happened to the people that went missing in the war.

In Liberia, the institutions collapsed during the war and there were no records of documentation available from that time. As it was a continuing war with many atrocities during a shorter time, it was also harder to locate bodies and filed information. This is stated as a problem in the truth commission report. The truth commission in Liberia did name people in the report, names gathered through testimonies by witnesses. The commission urged for further investigation of these people. This hasn’t happened to this point. Which shows that the system in Liberia is lacking in its implementation.

7. DISCUSSION

Case studies of Guatemala's and Liberia's transitional justice process have been carried out to look at the involvement and inclusion of women in peace agreements, truth commission, trials/hearings and in the new institutions that are being rebuilt after war. The aim was to see women's role in the transitional justice process and how it has turned out differently in the two cases in terms of justice. Guatemala has reached some accountability from what happened in the war, something that Liberia hasn't. The theoretical argument was that with more women present, there ought to be a higher chance of justice for women. Guatemala was thereby perceived to have more women participating in the different mechanisms. Justice in post-war contexts has accordingly been measured through recognition, accountability and reparation amongst survivors.

Within the peace agreement, Guatemala did have a more inclusive process of women than what Liberia had. The reason was that many women's organizations were present in the process and were able to work out propositions for the peace accords. The civil society assembly was the reason to the success in reaching diversity of opinions. Women's situation and experiences from the war was thereby represented to some extent in the accords, mainly through the inclusion of the women's sector. In Liberia on the other hand, women were not invited to participate in the negotiations although they initiated the peace. Some women were present as witnesses but could not speak openly about their opinions or vote for suggestions.

Within the truth commission, Liberia did have a more inclusive process of women than what Guatemala had. It is noticed already in the mandate, where a gender perspective is proposed. Half of the commissioners in Liberia are women and can through representation theory symbolise a perspective that is more inclusive of women. When the truth commission was collecting testimonies, the forms and questions asked were also adapted to gender. There were also special hearings that addressed women's experiences from the war. This was not true for Guatemala that did not have a gender-perspective or a special inclusion of women in their commission report. The commission reports in both Liberia and Guatemala have been important to understand the events in the war and how people were affected from it. It has been a source of information but nothing that has led to accountability. The gender perspective was important in the case of Liberia whilst in Guatemala, the focus was rather on inclusion of the indigenous population and language barriers amongst different population groups. According to research on truth commissions, the result tends to be more successful if

there is a mixture of international and national commissioners in the process of collecting truth (Quinn & Freeman 2003; Chapman & Ball 2001). This was true in Guatemala and might have made people trust the process. In Liberia, some victims instead accused the commissioners of involvement in the war which indicates lack of trust in the process.

Considering trials and hearings, Guatemala has had trials within their national juridical system whilst Liberia had help from foreign courts. Trials outside of the country is thought to be less important for victims to reach reconciliation. Liberia's hearings have only been in relation to the truth commission mandate but are more considerate to victim's stories. Representation of women in hearings was not as high as men's, which could depend upon lacking security.

Other possible reasons to failure could be due to limited time to reconcile and process the war. In the case of Guatemala, women testifiers needed to know that their testimony would lead anywhere. The women needed much time and preparation to talk, something that wasn't given to Liberian women that testified. In Guatemala, women's testimonies were necessary to impeach the guilty because of their knowledge and experiences from the war. These women thereby also had a more prominent role because of their, almost sole, knowledge.

Considering inclusion through laws and new institutional bodies, none of the countries appears to have good implementation of their policies. It has not made women's situation, in terms of sexual violence, any better. Sexual violence as an indicator was used because women were most exposed of sexual violence during the war, and it has followed women post-conflict in both countries. Guatemala has adopted a femicide law that has been considered an important step in the region. Liberia has adopted laws on domestic violence that too has been an important step for women's rights. In terms of recognition, Guatemala has best included women's war situation through special institutions for indigenous women's rights. In terms of reparation, it is not new institutions that have made women come to terms with the effects of the war but rather solidarity amongst women.

The main differences between the two countries' processes have been discussed in consideration to the justice factors recognition, accountability and reparation. Guatemala has been able to, for a long time, work with all these factors and has because of it reached a stable process where women have reached a gradual improvement of rights over time. Recognition has been reached in both processes, mostly through testimonies and hearings where women's narrative has been addressed. In Liberia the factor of accountability from war is missing. The reasons could be a lack of will from the government to work with reconciliation and unification amongst the Liberian people. Some of the people in Liberia's former government

was guilty of economic crimes (such as former president Ellen Johnson-Sirleaf). To come to terms with the past, addressing and accounting for misdoings would have been needed for a stronger democracy and justice.

The difference and success in Guatemala could depend upon a stronger democratic system from start. It has been easier to track evidence of the process to prove how the state acted. The police registers that was found is an indicator for that. In Liberia, lack of medical reports prevented crimes for being resolved. It is likely that other documents are missing as well. The juridical instances that carried the trials in Guatemala are also indicators for the country's stability to Liberia. Especially because of the rarity that a national court can address human rights abuses from a civil war. As a second indicator for success is the CICIG body in Guatemala that addresses impunity and crimes carried out from the state. It has helped the process along to have an independent body that addresses state-led crimes to build up trust to the institutions. A third level of success towards justice in Guatemala is the women's movements' ability to work together with the worker's movements that have historically been strong in the country. It has made legitimacy and strengthened the process. Most of it depends upon cultural differences. None of the countries have reached full reparation and impunity levels are high.

The results of this study are not sufficient to properly answer the research question *does a higher inclusion of women throughout the transitional justice process increase possibilities of reaching justice post-conflict?* It is not the perspective and inclusion of women in the transitional justice mechanisms that have alone led to a stronger situation of women's justice. It also depends upon other factors that have influenced the process, which are stated above. However, the results are still important for policy guidelines in transitional justice. Women's involvement in peacebuilding is important, as research already has established. It is important to hear victims and work on rule of law in the country. That women with their experiences contributes to assure justice has shown with this study. It is foremost women's experiences and ability to organize together at a grassroot level that are the cornerstone of women's achievements. The post-conflict state needs to be included in the process of change and be able to administer what comes out of the transitional justice process. Women's movements that operate within the state is perceived to have a higher likelihood to reach change. Further research would benefit to look at transitional justice from a theory of multi-level governance to see how different levels work together to reach justice. Other research areas that would be

of interest is how international actors influence the process of transitional justice through norms imposed through aid.

7.1 Limitations

The information regarding these two cases turned out to be very extensive and much time went into understanding the context and history behind the two countries. To extend the knowledge and the meaning of the information that was gathered it would have been preferred to have done fieldwork in one or both of my countries. Another aspect would have been to focus on one case and thereby been able to dive deeper into one process.

Due to failures to reach respondents, valuable information was lost from Liberia that had to be compensated by documents and an audio conference. It also meant that more focus was put on Guatemala's case which was also the more interesting one due to a higher success-rate. By adding more interviews, the results would have been more thorough and given more strength to the analysis.

Other limitations with this study have been the difference in wars. One of my cases had almost exclusive violence from the state, whilst the other case had violence from all side. It has been indicated to have both positive and negative implications for Guatemala. Positive because of the framing of the guilty side in war but due to their positions within the government and as military leaders it has been hard to prove their guilt.

Another limitation is the difference between an African and Latin American context and the difficulties of comparing countries with different history and culture. Even as these two cases have been cases where women's agency in peacebuilding has been high, there are other factors that play in as well. The results would have had a higher external validity if the comparison were within the same continent and with the same size and GDP. Because of indifference to these variables in the case selection, the result might be affected of omitted variable bias (King, Keohane and Verba 1994:169). Still, it is important to be able to compare different war situations. Women's participation in transitional justice is always valuable for justice but contextual differences and the way women's information contributes to reach the truthful picture seem to affect just how important it is.

8. CONCLUSION

This thesis has looked at women's involvement in peacebuilding through transitional justice mechanisms. The aim has been to look at whether the post-conflict countries Guatemala and Liberia have included women in their process to reach justice after the peace agreement. This has been looked at in terms of recognition, accountability and reparation which are three values of justice that can be reached for victims in a post-conflict scenario. The three values have been remodelled from Mani (2005) which proposes a legal-, rectification- and distributive approach to reach justice. These values have been incorporated with the transitional justice mechanisms of the peace agreement, the truth commission, trials or hearings and inclusion in new institutions.

To reach a bottom-up perspective of how victims are being considered in a normally top-down process, this thesis has focused on the aspect of participation. A focus that has implied that the victim is in the centre of the research and that the victim can reach a survivor status and agency throughout the process, in form of a transformative justice. The process has been viewed through the role of women and whether they can reach a more just situation through an inclusive process.

To conclude, women's participation has been important through the peacebuilding process in both Liberia and Guatemala. It was the participation of women that made both countries stabilise peace and work for justice. Neither of the two countries have reached justice today but women were crucial for the progressions made.

Recognition has been reached for both countries at different points at each process. In Liberia, recognition came with women's action for peace where women's work was both nationally and internationally praised. After the implementation of a gendered truth commission, the involvement of women's recognition stopped. Recognition was thereby short-termed and did not persist through the whole process. Guatemalan women reached recognition when different indigenous women told their stories of war in trial, a process that has proceeded over decades. It has thereby been a long-term recognition for women in Guatemala and the peacebuilding process has evolved over time. Guatemalan women also reached *accountability* through their trials. *Reparation* has come to some extent with laws and institutions that grant women rights from the war. Failures in progress have come from unwillingness and disfunction from the state. The process towards justice is ongoing and women have been crucial for the work on

peace and justice to prevail and has implied a progress in reconciliation for the society at large as well as for women particularly.

This study has contributed by giving proof of how women work to reach justice in post-war contexts. By including women's perspectives and experiences in testimonies, there has been a wider inclusion of what the war has implied for survivors. In the case of Guatemala, women's testimonies have been crucial to get forward in the work on justice and finding evidence from the war. Mostly because women were the ones that had information on what had happened. In Liberia, the women's movement was also crucial for many of the positive changes after the war although the women were more excluded from the state system. Further studies are however needed to establish the impact the state and international actors have on the transitional justice process for the progress on women's rights.

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Annex 1.

Questions for interviews of international women's organizations

1. How has women's involvement in peacebuilding been of importance?
Follow up: How do you think women got the space for involvement?
2. How would you say women have been portrayed in the peacebuilding process?
3. Are women's organizations unified in their opinions and issues within the country?
4. Has the truth commission had any impact on women's reach for justice?
Follow up: How has it been important?
5. Has it been possible to reach justice from war predators and how?
6. Have juridical laws or reforms been implemented on women's rights in the aftermath of war and have they had any impact on women's situation?
7. Do women in the country have a stronger political position today because of the work post-conflict?
8. What factors, according to you, were present for women to receive positive results in the transitional process?

Annex 2.

Questions to Carmen Rosa de Leon,

Due to her position in the peace agreement and because she is Guatemalan

1. How much influence did the civil society assembly have on the peace agreement?
Follow-up: Do you feel that women's voices got heard during the negotiations?
2. Has the peace agreement helped women's continued work with peacebuilding in Guatemala and how?
3. The CEH (Historical clarification commission) did not have a specific focus on women in its mandate, has that had an impact on women's further work on justice?
4. What has the trials of Rios Montt and Sepur Zarco meant for women to reach justice?
5. How do you think it was possible for women to reach accountability from war after such a long time since the war?
6. Has the fact that the Guatemalan state was responsible for almost all the violence helped the process of reconciliation along?
7. What obstacles are there to women's participation in peacebuilding in Guatemala?
Follow-up: What needs to be done to improve women's situation?
8. Are women more included in the Guatemalan society today?

Annex 3.

Info about meeting in Liberia hosted by United States Institute of Peace

Women's Role in the Reconstruction of Liberia. A public meeting of the Liberia Working Group co-hosted by USIP and The Initiative for Inclusive Security

Date: Monday, April 23, 2007 / Time: 6:00am - 7:30am

President Ellen Johnson Sirleaf has made it a priority to include women in Liberia's reconstruction. Women head the ministries of commerce, justice, finance, youth and sports, as well as the Ministry of Gender and Development. They also are 5 of the 15 county superintendents. Women were crucial in bringing peace to Liberia and are eager to aid the rebuilding effort. The recent Partners' Forum, at which the donor community committed significant aid to Liberia, highlighted the role women need to play in development.

Members of the panel will discuss women's contributions to ensure continued peace and prosperity in Liberia, and how the international and donor communities can better engage women and leverage their expertise when designing strategies for rebuilding.

Speakers:

Leymah Roberta Gbowee Women Peace and Security Network Africa

Juanita Jarrett Mano River Women's Peace Network

Waafas Ofosu-Amaah The World Bank

Dorina Bekoe, Moderator U.S. Institute of Peace

Carla Koppell, Moderator The Initiative for Inclusive Security

Details Date: Monday, April 23, 2007 Time: 6:00am - 7:30am

Countries: Liberia