

Preventing Sexual Violence in War: Is Fighting Impunity the Only Game in Town?

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Report from the Missing Peace Initiative Symposium
Oslo, 7-8 December 2017

Anette Bringedal Houge

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Author's note

This report is based on presentations and discussions at the Missing Peace Initiative's Symposium *Preventing Sexual Violence in War: Is fighting impunity the only game in town?* hosted by the PRIO Centre on Gender, Peace and Security in Oslo, 7-8 December 2017.

The symposium consisted of a public opening event and a lunch-to-lunch conference by invitation only. The closed sessions were premised on a promise by the organizers that participants would not be publicly quoted. This report synthesizes perspectives, challenges, and opportunities that participants and discussions raised. It does not reproduce papers verbatim, nor give credit to particular participants where this is, indeed, due. I would like to thank all the participants for open, stimulating, and thoughtprovoking discussions.

I would also like to thank Inger Skjelsbæk and the organizers at PRIO, as well as the steering committee of the Missing Peace Initiative, including the United States Institute of Peace (USIP), the Human Rights Center at the University of California, Berkeley, and Women In International Security (WIIS), for keeping this an ongoing conversation.

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Oslo, 20 March 2018, Anette Bringedal Houge



PHOTO: ALEXAS / PIXABAY

The Missing Peace Initiative

The *Missing Peace Initiative* is a collaborative project of the Peace Research Institute Oslo (PRIO), the Human Rights Center at the University of California, Berkeley, the United States Institute of Peace (USIP), and Women In International Security (WIIS).

Sexual violence in conflict and post-conflict settings is increasingly recognized as a threat to international peace and security. Despite increased international recognition of the serious impact that sexual violence in conflict and post-conflict poses to security and peace, initiatives to prevent or mitigate these violent acts continue to fall short. Even with the adoption of UN Security Council resolutions and important rulings in international criminal courts, existing international interventions lack an integrated understanding of the causes of sexual violence and its implications for societies at large.

In February 2013, the *Missing Peace Initiative* convened a large group of scholars, policymakers, practitioners, and military and civil society actors from across the Global North and South for the first time. The group met to examine the issue of sexual violence in conflict and post-conflict settings, identify gaps in knowledge and reporting, and explore how to increase the effectiveness of current responses to such violence. An explicit aim of this overall initiative is to highlight findings from the latest academic research as well as insights from practitioners working in conflict and post-conflict situations, including civil society actors, the military, and police. This initiative has also launched the *Missing Peace Young Scholars Network*, aimed at supporting PhD researchers and recently minted PhDs in their research and the dissemination of research results to the practitioner and policy communities. Since 2013, the *Missing Peace Initiative* has organized a practitioners' workshop on accountability for sexual violence in Kampala, six annual workshops for the Young Scholars Network, and most recently, a joint practitioners' and scholars' symposium in Oslo 7-8 December 2017.

Members of the steering committee of the Missing Peace Initiative are Dr. Kathleen Kuehnast (Director, Gender Policy and Strategy, USIP), Dr. Chantal de Jonge Oudraat (President, WIIS), Kim Thuy Seelinger, JD (Director, Sexual Violence & Accountability Project, Human Rights Center), and Dr. Inger Skjelsbæk (Research Professor, PRIO).



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Introduction

The International Criminal Tribunal for the Former Yugoslavia (ICTY), the first of the ad hoc international criminal tribunals established in the early 1990s, played a key role in bringing long overdue attention to conflict-related sexual violence (CRSV) from policy, advocacy, legal, and academic actors alike. Established in 1993 by UN Security Council Resolution 827, the ICTY has sought to transform the legal landscape and secure the rule of law not only at the international level, but on regional and national levels as well. Importantly, the tribunal pioneered groundbreaking criminal prosecutions – and convictions – of sex crimes in conflict-related settings. More than 30 percent of the tribunal’s convictions include charges of sexual violence. The ICTY has also contributed to a significant shift in the political and societal framing of what CRSV *is*: CRSV is no longer seen merely as a byproduct of war, but as a weapon of war itself, as a crime that can be addressed through individualizing guilt in criminal prosecutions.

The last two decades’ expanding attention to and visibility of CRSV – the *unsilencing* of particular gendered war experiences and harms – walks hand in hand with this criminalization and securitization process. It follows that the ICTY and the international criminal justice project have contributed with more than enforcement of existing laws and a sharpening of international criminal legislation. The court has also contributed with creating public historical records about the causes, harms and consequences of CRSV that, leveraged by law, get attention and recognition at the highest levels of international security politics.

The ICTY concluded its mandate at the end of 2017 (after 24 years in operation). The closure of the ICTY presented a timely occasion to reflect on and discuss the prominent role of criminal law and justice responses in the face of CRSV. In December 2017, the Missing Peace Initiative convened a group of international expert scholars, policymakers, and military and civil society actors over the course of two days to address the fight against impunity for CRSV, its premises, promises, and contributions to peace and reconciliation, and also the challenges and potential of other responses aimed at reducing and preventing CRSV in the future.

This report synthesizes these discussions under two main headings that reflect recurring themes in the symposium’s panels and debates: first, the promises and perils of particular responses to CRSV, and second, definitional dimensions of the continuum of violence that are important to take into account in any broad-spectrum approach to CRSV. These themes form part of a complex, nuanced, and ongoing cross-sectional conversation that contrasts the simplifying slogans and categorical claims often seen in public policy debates. While this is, indeed, a key strength of the forum and platform facilitated by the Missing Peace Initiative, it also complicates the task of summarizing the symposium. This report thus synthesizes the conversations and debates and does not provide a full or exhaustive record of the event.¹

¹ It follows that the report does not map out the development of CRSV research in the past. It provides a snapshot of contemporary debates and the state of the art of research. See also a recording of the public opening event at <https://gps.prio.org/Events/Event/?x=79> (accessed 20. March 2018) and reflections on the symposium by L. Nwoye and M. Tanyag (2018), ‘Missing Pieces in

Responses

The title of the symposium *Preventing Sexual Violence in War: Is fighting impunity the only game in town?* reflects the dominating position of criminal law in debates on how to address, respond to, and prevent CRSV. It also reflects an increasing gap between policy arguments on the one hand, and research on CRSV on the other. The UN has adopted a range of resolutions on how to address CRSV,² including the establishment of an Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) through UN Security Council Resolution 1888 in 2009. Whereas a number of responses to CRSV are called for in the resolutions and by the SRSG-SVC, no other measure receives more consistent or extensive attention in the broader policy debates than the fight against impunity. Politically powerful, the fight against impunity presents CRSV as solvable, based as it is on criminal laws' assumed deterrent effect, retributive powers, and inherent contributions to peace and reconciliation. But are these assumptions justified? Does criminal justice's dominating position reflect its actual functioning? Importantly, what other measures and responses exist, and what are their respective strengths and weaknesses?

Whereas public debate promotes a clear hierarchy of measures, participants at the symposium underlined how different measures and interventions are not mutually exclusive, how they may complement one another, reinforce the others' effects, and, importantly, are likely to work differently in different contexts. To sloganize this complexity: Diversity delivers better on the ground. Numerous transitional justice (TJ) mechanisms and projects are initiated at different levels in conflict and postconflict settings – either exclusively directed at CRSV or including CRSV in their efforts. Three measures were actively discussed in the symposium: criminal law, sanctions, and reparations.³

Criminal prosecution and deterrence

The privileged position of criminal justice in the policy and advocacy discourse about CRSV is closely connected to the understanding of CRSV as a weapon of war. As several participants pointed out, the limitations of criminal justice – well known in critical legal and criminological scholarship – has yet to penetrate the scholarly discourse and, particularly, the wider public debate about what can and should be done about CRSV.

Preventing Sexual Violence in Conflict: A conversation' at <http://www.monashgps.org/single-post/2018/01/22/Missing-Pieces-in-Preventing-Sexual-Violence-in-Conflict-A-conversation-Leo-Nwoye-and-Maria-Tanyag> (accessed 20. March 2018).

² Four UN Security Council Resolutions specifically and exclusively target CRSV (UNSCR 1820 (2008), 1888 (2009), 1960 (2010) and 2106 (2013)).

³ Military training and culture – a key focus area in UNSC Resolutions on conflict-related sexual violence – was also part of the discussions on responses in the symposium. However, the focus in these discussions was primarily on training of UN and AU Peacekeepers, not on parties to the conflicts as such. This debate is therefore referred to in the next main section on continuums of violence – in relation to peacekeeping operations and sexual exploitation and abuse (SEA).

The understanding of CRSV as a deliberate weapon of war hinges on several assumptions that are not always true: First, the conception of military organizations as strictly organized with clear and static command lines, and second, the idea that war is at its core a rational endeavor fought by rational warring parties. This attribution of rationality at all levels makes CRSV appear preventable through posing credible threats of criminal prosecution: Rational actors will refrain from illegitimate violence if its perpetration may lead to prosecution. By fighting impunity, enforced criminal justice will alter the calculations that make CRSV an effective weapon of war and halt the cycle of violence.

Yet, neither wars nor armed units and organizations always operate in the ways they are expected or theorized to do. Criminal law's individualization of guilt privileges individual agency, yet in the midst of war, soldiers and combatants tend to operate as groups and collectives, and experience extensive and existential pressures that compromise that agency. They are likely to experience greater, more immediate, and more credible fears and threats than that of a potential future criminal charge by an international court in the Hague. Moreover, collective violence and mass harms of war are committed by a vast number of perpetrators, which in itself limits the risk of criminal prosecution for individual offenders. The ICC and other (international) criminal law institutions respond to this challenge by prioritizing the prosecution of those bearing the greatest responsibilities for harms – leaders and commanders rather than rank and file soldiers. By prosecuting leaders, international criminal law pushes for clearer command structures and in-group sanctioning regimes, and for less tolerance among leaders for their troops' unlawful violence.

The connection between criminal prosecution and deterrence, between criminal justice and prevention, is, however, weak. Beyond deterrence, advocacy and policy rhetoric further construct criminal justice as a precondition for the reduction of CRSV. What is more, criminal justice not only prevents future violence, it also provides an accurate historical record that prevents historical revisionism, replaces revenge with civilized retribution, alleviates harm, secures reconciliation, and enables a wartorn society to peacefully move on. The visibility of gendered conflict-related harms and crimes that the crime frame has pushed for has also altered conceptions and understandings of conflicts in the past.

This policy rhetoric, intended to justify and legitimize the international criminal justice project, should not in itself be the basis upon which its workings and practical functions are evaluated. Undoubtedly, criminal law serves more than deterrent purposes, and should not be assessed by or reduced to any one argument alone. Yet, as symposium participants stated, criminal justice cannot address the root causes of gender inequality or CRSV; international criminal justice does not deal with post-conflict violence; and it creates a hierarchy of harm. Conflict-related crimes are privileged over what is regarded as 'just' ordinary violence against women – and little is done about the distribution of economic and social rights, which often constitute part of the root causes of conflict, and therefore also CRSV.

More than a critique of criminal justice and its legal proceedings as such, participants raised these issues as a critique of the prominent position the legal, political, advocacy, media, and academic communities *surrounding* international criminal justice institutions have granted the fight against impunity, and what this position does to the public imagination about justice, causes, consequences, and solutions to mass harm. When justice is conceptualized as

criminal justice, CRSV is constructed as a problem of law, and prevention as prosecution. The fight against impunity becomes a structuring both of thought and of policy prioritizations.

Critiquing measures for their shortcomings or unintended consequences is not the equivalent of denouncing their contributions, nor does it devalue the plights of victims or the importance of responding to mass violence. Perpetrators need to be held to account. But beyond the punitive and retributive justice models, are there other means to tackle impunity and/or achieve – or advance – justice in the aftermath of CRSV? Criminal prosecution is an important component of transitional justice and peacebuilding – yet it is *a* response, not *the* answer, and it is important to assess and make use of the whole tool kit. Another measure in the tool kit, provided and advocated by the UN as part of its Women, Peace and Security (WPS) Agenda, is the use of targeted sanctions against known perpetrators of CRSV.

Targeted sanctions

The range of sanctions imposed by the UN Sanctions committees has in the past included comprehensive economic and trade sanctions, moving gradually towards narrower measures such as arms embargoes, travel bans, and financial or diplomatic restrictions. Such targeted sanctions are preferred to prevent sanctions from harming the civilian populations in countries being sanctioned. Effective sanctions against leaders of groups that commit CRSV could increase the cost of such violence – and work in conjunction with criminal prosecution measures to increase deterrence, increase accountability, and raise incentives of commanders to prevent CRSV at the hands of their troops. However, as one participant at the symposium argued, there is a considerable knowledge gap between the proliferating literature base concerning international sanctions on the one side, and research on CRSV on the other. Research shows that UN sanctions are used inconsistently. While the use of targeted sanctions may add to the deterrent effect of criminal law, the UN sanctioning regimes tend to use generic language that does not explicitly mention sexual violence. Sanctions may be targeted in form, but the designation criteria that lead to sanctions are vague or generic. One step further would be to use sexual violence as an explicit (and sufficient) designation criterion that explains the necessity of sanctions and puts them into motion. Moreover, scholarship on sanctions in general has shown that sanctioning regimes work best with the promise and implementation of escalation. Yet, UN threats of sanctions are rarely translated into action, when recipients fail to follow up UN demands – resulting in a hollowing out of the potential of threats alone. In the face of massive human rights violations, the imposition of sanction regimes is a question of consensus. Various member states at the Security Council have differing approaches to different sets of human rights, some considering gender-based violence less of a matter for the international Security Council. Thus, although sanctions are called for in the WPS agenda, their contribution to deterrence and, their potential and de facto effect on CRSV in ongoing conflicts remain unexplored.

Reparations and rehabilitation

Reparations and rehabilitation constitute more directly victim-centered measures in the transitional justice toolbox. “Reparations and rehabilitation” is an umbrella term, covering a number of measures through which the state and/or society aim to recognize and address

and acknowledge the harms suffered. Reparations for victims and reconciliation of relationships and communities aim to contribute to the healing and recovery through one or several forms of compensation to victims, and may involve symbolic and material responses, such as public acknowledgement or apologies for violations in the past, the establishment of memorials, community service programs, and broader socio-economic investments involving health care and education for communities affected by conflict. Hospitals and schools could in turn be dedicated to victims as a form of public recognition of their suffering. Importantly, reparations and rehabilitation are not alternatives to more traditional transitional justice measures such as prosecutions and truth commissions; they are complementary – and for survivors, reparations (financial or compensatory in other ways) may be a direct and meaningful way to achieve some form of justice through redress. The combination of such traditional justice mechanisms and reparations and rehabilitation measures reduces the risk that compensatory measures are used to silence victims, as truth commissions and criminal justice processes also produce a historical record. However, one participant argued, the issue of reparations should still be approached in new ways to make sure they benefit most survivors, because today the vast majority of survivors do not have access to any reparations at all.

At the international level, all reparations mechanisms are bound up in the international criminal justice system. At various national levels, the linkage from reparations to criminal justice prosecutions and convictions is similarly strong. Yet most survivors do not have access to legal redress because of huge problems with law enforcement, lack of access to courts in conflict and post conflict settings, poor criminal investigation procedures, as well as the difficulty of producing evidence and identifying perpetrators in cases of mass atrocities or in contexts where the perpetrators are those who victims are expected to report to. These difficulties require that we explore reparations and rehabilitations schemes that are more administrative in order to assure that rehabilitation and reparations are accessible outside of criminal prosecutions. As one participant stated:

Individual reparations to victims whose perpetrators are identified and convicted on the one hand, and assistance programs for affected communities on the other, is not good enough. We need to combine the two, and the international community can contribute to this by establishing an innovative reparations mechanism.

Criminal justice is an important form of recognition, but it should not prevent other forms of recognition and redress from taking place. Moreover, in transitional justice processes, reparations are often the last-implemented and least-funded measure, according to symposium participants. Reparations should be far more than an afterthought in a judicial process, and they could involve funding by actors other than the governments and convicted perpetrators, e.g., NGOs, local committees, survivor representatives, and possibly international coordination committees. The symbolic and material acknowledgement of crimes and harms that reparations and rehabilitation mechanisms can provide also constitutes a form of justice, even when governments and perpetrators are unable or unwilling to provide it. Research on this topic should seek out best practices, address obstacles, and engage victims in exploring how reparations and rehabilitation mechanisms could be more effective and avoid the numerous thresholds that already prevent victims from taking part in national and international criminal justice procedures.

Continuum of violence

One of the main recurring and contested themes in the cross-disciplinary research field that directly addresses CRSV is the meaning and implications of the continuum of violence that spans temporarily through peace to conflict to post-conflict, and that particularly includes gendered violence across these temporal dimensions. Yet the continuum of violence spans more than the temporal dimension. This section also addresses different forms of sexual violence, different categories of offenders, as well as a gendered dimension in terms of who the victims and perpetrators are, and who we as society, scholars, policymakers and legal practitioners, are able and willing to see as such.

Temporal dimension

The present is affected by the past, and the future is impacted by the present. The temporal continuum of violence refers to how violence is part of societies before the outbreak of wars, during conflicts, and in post-conflict societies. It refers to how these apparent temporally distinct forms of violence are causally connected and challenges the very distinction that sets them apart in societal and juridical understandings of violence. Thus, whereas the temporal jurisdictional limitations of ad hoc criminal tribunals or special courts leads to the privileging of some victims and perpetrators over others, a continuum perspective on CRSV emphasizes how there is a line running from the gender-based violence in society prior to the outbreak of armed hostilities, through to CRSV, and to the prevalence of e.g., intimate partner violence in the aftermath of war. A continuum perspective thus challenges the hierarchy (of harm/victims/perpetrators) that the crime frame addressing CRSV as a weapon of war risks producing. It sees gendered, socio-economic and political discrimination and inequalities – patriarchal structures – as connected in varying degrees to levels of physical and sexual violence across temporal spaces. The temporal dimension also points to how the shame and social stigma often associated with sexual violence may remain even though wars end, and cautions that the costs of CRSV are intergenerational. Across the temporal dimension there is also a widespread continuum of silence. Despite the increased, and some would say massive, attention to CRSV over the last two decades, many victims opt for silence over potential harm- and hurtful societal reactions. In this understanding, post-conflict societies are not necessarily peaceful, because peace is not just the absence of war, or even the absence of violence, but the presence of peace of mind, as one participant stated. Pramilla Patten, the Special Representative of the Secretary-General for Sexual Violence in Conflict, stated during the public opening event of the symposium that ‘Wars are not just fought, they are told’. Wars are contingent on stories to be fought, and they continue through stories when the armed battle recedes. The continuum of violence focuses not only on the physical manifestations of violence, but also its continuation through trauma, exclusion, stigmatization, through the stories that silence some experiences, and sensationalize others.

Because the continuum perspective sees gendered inequalities and sexual violence as connected, it does not resort exclusively to criminal law responses, but to a broader promotion of women's political, economic, social human rights in times of peace, conflict and post-conflict. Accordingly, CRSV needs to be seen as part of a broader WPS agenda that also involves women's participation in peace negotiations. Women's participation is important not only to secure that CRSV is addressed in TJ mechanisms, but also to make sure that the broader implication of CRSV and of gender inequalities are addressed post-conflict. It was further pointed out during the symposium discussions that the ways in which women's equal representation are championed at negotiation tables need to be carefully assessed. Just like men, women come with different experiences to negotiations: which women are given opportunities? Whom do they represent, and who continues to face constraints against their inclusion in the peace processes? When the success or failure of peace talks and negotiations are assessed, it needs to amount to more than simple accounts of gendered representation, and it needs to assess the contribution of *all* participants. As one participant also pointed out, it is important to look at the negotiations, organizations, administration, and structural constraints and opportunities that operate *around* the negotiation table – not only *at* the table. Women representatives are still experiencing strong opposition at and around international peace negotiation tables, and continue to organize to have their voices heard, and to make sure gendered harms and inequalities matter. The inclusion of victim survivors in the process and the pressure and support of the international community and agencies such as UN Women help leverage their rights for representation and participation. Participants pointed out that while it could be particularly hard to convince male counterparts at the negotiation table to include the issue of CRSV, women had to consistently prove that they were qualified to have an opinion on matters that did not particularly concern CRSV, too.

The temporal dimension of the continuum of violence has a parallel in the actor dimension – the different categories of offenders that are involved in sexual violence in conflict situations.

Actor dimension

Earlier in this report it was argued that criminal law limits our imagination. One such potential limitation with regards to CRSV are the definitional constraints that criminal law produces not only in terms of its temporal jurisdiction, but also in terms of whom offenders are perceived to be. CRSV is understood as sexual violence committed by active participants or stakeholders in the conflicts concerned, such as police, camp guards, military personnel, members of militias, and/or politicians while on duty or in the capacity of their position. And the victims are primarily perceived as civilians. Other forms of perpetrator-victim constellations have escaped our attention, such as sexual violence perpetrated against combatants and peers in armed institutions. Similarly, the gendered violence soldiers commit against their partners is not seen as part of a CRSV continuum, nor is intimate partner violence and domestic violence on the rise in the civilian populations as conflict tensions increase. But all of this violence is still directly *conflict*-related. At the symposium, special emphasis was on what the UN has separated from CRSV as SEA (sexual exploitation and abuse), sexual offenses committed by peacekeepers on UN service.⁴ SEA is an umbrella term for many

⁴ See Alicia Luedke, Chloe Lewis, and Marisella Rodriguez (2017) *Sexual Violence, Exploitation, and Abuse Improving Prevention Across Conflicts and Crises* United States Institute of Peace., Special report 415, November

different forms of sexual offenses committed against civilians by peacekeepers, aid workers, private contractors, and other interveners in a conflict or post-conflict situation. SEA ranges from opportunist rape, to multiple perpetrator rapes and planned sexual violence, to transactional sex, sex trafficking and prostitution. The term SEA is useful in distinguishing between sexual violence committed by armed combatants and as a weapon of war, and sexual violence and abuses committed by other interveners in a conflict or post-conflict situation. However, the types of violence the term captures overlap broadly with forms of CRSV that, when committed by parties to a conflict, risk prosecution at international criminal justice institutions. Whilst CRSV is set in a crime frame, SEA is primarily met with calls to uphold UN principles in order not to put peacekeeping operations at risk. SEA illustrates the continuum of violence both at its temporal dimension and at the actor dimension. Peacekeeping operations, consisting of military, police and civilian peacekeepers, are mandated to help states and societies ‘navigate the difficult path from conflict to peace.’⁵ They operate in what is often muddled post-conflict situations, where violence, insecurity, political instability, and humanitarian needs are complex and comprehensive – in contexts where there is no formal conflict, but where peace is absent. When peacekeepers commit sexual violence (or SEA), whether on duty or as civilians off duty, they illustrate the actor dimension of the continuum, too. Peacekeeper soldiers, police, or civilians are there to secure the peace, but they are not parties to the conflict. Their position therefore poses a legal framework challenge.

While the discussion at the symposium also concerned peacekeepers’ role in preventing CRSV, the main emphasis was on their obligation not to cause harm through their own SEA. For peacekeeping operations to better prevent both, the quality of pre-deployment training is key. The pre-deployment legal training on International Humanitarian Law is extremely brief, and according to several participants it does not equip troops to react or react correctly when facing a CRSV situation, or to see their own behavior as SEA. The UN Department of Peacekeeping Operations (DPKO) should control and reinforce such trainings and better integrate local and national value systems.

Several learning points were addressed in the discussion on SEA: There is often mention of the need to change ‘military culture’. However, there are many military cultures. Sexual violence – whether CRSV or SEA – is not ubiquitous – there are military cultures where such offenses are not tolerated and troops where SEA or CRSV are not reported. Whereas military cultures and masculinities are to a varying extent co-constitutive, they are neither equivalents nor static or singular in form. For peacekeeping operations in particular this poses a challenge, as troops are composed of units from different countries and varying basic training – in addition to different attitudes and understandings of gender, sex, and e.g., prostitution. In order to provide effective pre-deployment training, educators must balance between the need to ‘get the message across’, while also taking into account the relevance and meaning of cultural norms and gendered expectations.

A recurring matter in discussions is the impact of and need for female peacekeepers. Practitioners emphasize how larger numbers of women in the operation enhances the reputation of the armed peacekeeper units. Additionally, in the civilian units, women peacekeepers are

expected to get access to more information pertaining to CRSV and SEA than their male counterparts. According to practitioners and NGO experts, female peacekeepers gain the trust of local populations more often than male soldiers. While scholars have been critical to the ‘add women and stir’ approach to peacekeeping operations, armed personnel argue that the presence of female troops influence and improve the behavior and language of their male peers. Some also contend that female troops tend to have a lower threshold for reporting sexual harassment and abuse among their peers and against civilians. At the same time, the discussion brought up how sexual harassment is rife and underreported also within the peacekeeping forces. Both the DPKO, the academic community and troop commanders should be careful about delegating too much responsibility onto women peacekeepers because of their gender – and equally, not to expect male peacekeepers to take up their responsibility to report and prevent peers’ abuse because of their gender.

Ultimately, SEA is a leadership issue, a discipline issue. Force commanders must make it clear that any SEA incident automatically evicts the abuser. Moreover, he suggested that the national commander, too, should lose his position, to strengthen command responsibility and discipline. Another challenge to low levels of reporting within ranks, aside from peer solidarity and pressures, are the ‘multiple layers of bureaucracy only to write a simple report’. Lastly, for peacekeeping troops to prevent CRSV, troops should be on more active duty during the night, use night vision, and patrol by foot areas where civilians are at risk.

Gendered dimension

The gendered dimension of the continuum of violence refers to the repertoire of violence that is gender-related. Gender-related violence spans peace, conflict, and post-conflict – but also various forms of violence within any one of these somewhat artificial temporal dimensions. Conflict-related sexual violence is not the only form of war violence that is gendered—nor is it exclusively a gendered crime. As categories of war violence, neither sexual violence nor, say, wartime murder can be reduced to gendered explanations alone, nor can they be fully understood without consideration to gender. Additionally, the gendered dimension refers specifically to how similar forms of sexual violence harm and target victims of different genders and sexualities. Broadly speaking, there are some overlapping differences between CRSV directed at men and CRSV directed at women. Men are primarily (but not exclusively) targeted with forced nudity, humiliation, forced fellatio, sexual torture, and mutilation. Women, more often than men, report rape and multiple perpetrator rape. Gender is still part of both equations, also if both perpetrator and victim are male, or if the male-female/perpetrator-victim relation is reversed. This is a dimension that tends to escape scholarly attention – producing a gendered hierarchy of victims which affects who are perceived as victims and who can make claims for justice. When men are subjected to sexual violence it is often described and reported as torture. That is rarely the case when sexual violence against women is reported. As one participant emphasized: ‘Men are talking about sexual violence. We’re just not hearing it’. The torture label hides men as a category of victims of CRSV – as does the focus on victims as exclusively civilians.

The continuum of violence which CRSV is part of includes temporal, relational and gendered dimensions. There are challenges with treating sexual violence in different temporal spaces as distinct or isolated issues, but also strengths involved with differentiation and diversity in

measures that take different contexts and causal mechanisms into account. The continuum of violence works to highlight the pervasiveness of sexual violence, and the meaning of definitional constraints in our understanding of and approach to sexual violence.



The Missing Pieces

At the public opening event of the Missing Peace Initiative, Patricia V. Sellers, special adviser on gender at the ICC and former prosecutor at the ICTY, commended the Missing Peace Initiative for engaging in longterm discussions – and for keeping it an ongoing, albeit difficult and complex conversation. The symposium series is not intended to be a celebration, but an outward looking quest to push the boundaries of what we as scholars, practitioners, and politicians are able to see, imagine, and implement, in order to better prevent CRSV and provide justice for those harmed. The responses and continuum dimensions addressed herein represent directions and topics for this conversation in the future as well.

Whereas research challenges deterrent assumptions that much advocacy and policy in this field is based on, practitioners bring lived experiences to the table, and nuance the causal and remedial narratives that scholars, too, favor. Criminal law is not the only game in town. Our responses need to be as varied as the causes. As stated early on: ‘Diversity delivers better on the ground’. This means that justice is not the equivalent of criminal prosecution, but also that criminal justice, reparations, sanctions, and reconciliation are not competing goals – they are part of the same toolbox. The challenge is to link policy with knowledge and navigate wisely – yet powerfully – between demands for attention and funding on the one hand, and constructive and unharmed representations of victims, perpetrators, causes, consequences and solutions on the other. The fight against CRSV, whether focused on ending impunity – or in other forms – has the potential to animate a lot of activists, and not all attention is necessarily good attention. The Hollywood spin in this advocacy field involves the question of who capitalizes on distant suffering, and what forms of suffering matter. Another spin in this field, which was evident in the public opening event, but less dominating in the closed workshop, is the ongoing securitization of CRSV, and the tendency towards coopting CRSV into the terrorism agenda. This requires scholarly attention and advocacy caution, as it produces a frame that may mobilize attention, but which also narrows imagination and creates a hierarchy of prioritization.

The various discussions at the symposium signify a continuous, impatient and necessary push towards better answers and more complex responses to conflict-related sexual violence in the future. The Missing Peace Initiative is committed to a continued dialogue. Young scholars, policymakers, practitioners and academic communities will be challenged again by the organizers to come together and discuss measures that can contribute to the prevention of conflict-related sexual violence.

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The Missing Peace Initiative Publications

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Symposium Programme

Missing Peace Symposium Oslo, 7–8 December 2017

Preventing Sexual Violence in Conflict: Is fighting impunity the only game in town?

In 2017 the International Criminal Tribunal for the former Yugoslavia (ICTY) is approaching the end of its mandate. The International Criminal Tribunal for Rwanda ended its work in 2015 and the International Criminal Court (ICC) is facing a possible exodus of several African countries withdrawing from the court. Further, the Preventing Sexual Violence in Conflict Initiative (PSVI) by the United Kingdom has resulted in the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. The protocol was finalized in 2016 with funding from the UK Foreign and Commonwealth Office. It serves as a resource tool for first responders and others who deal with sexual violence crimes in conflict zones.

With these developments it is important to take stock of what the legal responses have accomplished, where they fall short and how combatting sexual violence is integral to peacebuilding.

The symposium is part of a larger collaborative effort entitled the Missing Peace Initiative which is a project of the Human Rights Center at the University of California, Berkeley, the Peace Research Institute Oslo (PRIO), the United States Institute of Peace (USIP), and Women In International Security (WIIS). It brings together expert scholars, policymakers, practitioners, and military and civil society actors to examine the issue of sexual violence in conflict and post-conflict settings, identify gaps in knowledge and reporting and explore how to increase the effectiveness of current responses to such violence.

The inaugural event took place at USIP with a large symposium in 2013 funded by the World Bank, the Norwegian Ministry of Foreign Affairs, the UN Office of the Special Representative of the Secretary General on Sexual Violence, the Learning on Gender and Conflict in Africa Program (LOGiCA), Global Center on Conflict, Security and Development, Open Society Foundations, Peace Research Endowment, Instituto Promundo, Sonke Gender Justice Network, Compton Foundation, and Creative. Follow-up conferences have taken place in Washington and Uganda, and now the initiative will be brought to Europe with a two-day symposium in Oslo, Norway.

The Missing Peace Symposium 2017 in Oslo will include a public opening event followed by a closed workshop for an invited group of up to 50 participants from research, policy and practitioner circles.

Missing Peace Symposium 2017: Public Opening Event

Thursday, 7 December 2017

Venue: 'Amalie Skram' room, Litteraturhuset, Wergelandsveien 29, Oslo

- 08:30 – 09:00 Registration and refreshments
- 09:00 – 09:05 Welcome by Henrik Urdal, Director of PRIO
- 09:05 – 09:15 Opening remarks from the Norwegian Ministry of Foreign Affairs
- 09:15 – 09:25 Opening remarks by Pramila Patten, UN SRSG for Sexual Violence in Conflict
- 09:25 – 09:55 Keynote address by Lord Ahmad, the UK Prime Minister's Special Representative for Preventing Sexual Violence in Conflict
- 10:00 – 11:30 How does international criminal prosecution of conflict-related sexual violence impact peacebuilding and contribute to preventing relapses into new conflicts?
- Reflections and discussion with:
- Pramila Patten, UN SRSG for Sexual Violence in Conflict
 - Lord Ahmad, UK Prime Minister's Special Representative for Preventing Sexual Violence in Conflict
 - Bineta Diop, AU Special Envoy on Women, Peace and Security
 - Christine Chinkin, Director, LSE Centre for Women, Peace and Security
 - Patricia Sellers, Special Advisor for Gender to Office of the Prosecutor of the (formerly Special Advisor at the ICC and Legal Advisor for Gender and Trial Attorney at the ICTY and ICTR)
- Moderator: Inger Skjelsbæk, Research Professor, PRIO
- 11:30 – 12:00 Q&A with the audience

This public opening event is co-organised by the PRIO Centre on Gender, Peace and Security and the British Embassy Oslo.



PRIO Centre on
Gender, Peace
and Security



British Embassy
Oslo

Missing Peace Symposium 2017

Preventing Sexual Violence in Conflict: Is fighting impunity the only game in town?

Day I – Thursday, 7 December 2017

Venue: 'Telemark' room, Radisson Blu Scandinavia Hotel, Holbergsgate 30, Oslo

- 12:30 – 13:30 *Lunch for closed workshop participants and invited guests at Radisson Blu Scandinavia Hotel*
- 13:30 – 15:15 **Session I – Transitional justice mechanisms and reconciliation**
Roundtable with:
- Esther Dingemans, Director of the Dr. Denis Mukwege Foundation
 - Gloria Atiba-Davies, Victims Expert, Office of the Prosecutor at the International Criminal Court
 - Kjersti Lohne, Postdoctoral Fellow, Faculty of Law, University of Oslo
 - Anette Houge, Doctoral Research Fellow, Faculty of Law, University of Oslo
- Moderator: Kim Thuy Seelinger, Director, Human Rights Center, University of California, Berkeley
- 15:15 – 15:30 *Break*
- 15:30 – 17:15 **Session 2 – Military cultures and the prevention of conflict-related sexual violence**
Roundtable with:
- Major General Patrick Cammaert, former UN Force Commander for the Eastern DRC
 - Alessandra Nervi, International Committee of the Red Cross
 - Maria Baaz, Professor, University of Gothenburg
 - Fiifi Edu-Afful, Research Fellow and Deputy Head of the Peace Support Operations Programme at the Kofi Annan International Peacekeeping Training Centre
 - Marsha Henry, Associate Professor and Deputy Director, LSE Centre for Women, Peace and Security
- Moderator: Chantal de Jonge Oudraat, President, WIIS
- 17:15 – 17:30 *Summing up by Kim Thuy Seelinger and Kathleen Kuehnast*
- 19:00 – 21:00 *Buffet reception for invited guests at the residence of the British Ambassador to Norway*

Missing Peace Symposium 2017

Preventing Sexual Violence in Conflict: Is fighting impunity the only game in town?

Day 2 – Friday, 8 December 2017

Venue: 'Telemark' room, Radisson Blu Scandinavia Hotel, Holbergsgate 30, Oslo

- 09:00 – 10:30 **Session 3 – Integrating sexual violence crimes in peace agreements: Experiences from international mediation, Colombia and the Philippines**
- Presentations by:
- Bineta Diop, AU Special Envoy on Women, Peace and Security
 - Michelle Leiby, Assistant Professor, College of Wooster
 - Idun Tvedt, Senior Advisor at Norwegian Ministry of Foreign Affairs, transitional justice expert for Colombia process
 - Maria Tanyag, Doctoral Researcher, Monash University's Gender Peace and Security Centre
 - July Fajardo, Research Coordinator, Humanas Colombia
 - Moderator: Kathleen Kuehnast, Director, Gender Policy and Strategy, U.S. Institute of Peace
- 10:30 – 10:45 *Break*
- 10:45 – 12:15 **Session 4 – Roundtable discussion with selected participants**
- Moderator: Torunn L. Tryggestad, Director, PRIO Centre on Gender, Peace and Security
- 12:15 – 12:25 Summing up by Chantal de Jonge Oudraat and Inger Skjelsbaek
- 12:25 – 12:30 Closing remarks by Torunn L. Tryggestad
- 12:30 – 13:30 *Lunch for workshop participants and invited guests at Radisson Blu Scandinavia Hotel*

The Missing Peace Symposium 2017 is organized by the PRIO Centre on Gender, Peace and Security and the partners of the Missing Peace Initiative – the Human Rights Center at the University of California, Berkeley, and the United States Institute of Peace (USIP), and Women In International Security (WIIS) – with funding from the Norwegian Ministry of Foreign Affairs.

About the Missing Peace Initiative

The Missing Peace Initiative was established in 2013 as a collaborative project of the Human Rights Center at the University of California, Berkeley, the Peace Research Institute Oslo (PRIO), the United States Institute of Peace (USIP), and Women In International Security (WIIS). The Initiative brings together scholars, policymakers, practitioners, and military and civil society actors to examine the issue of sexual violence in conflict and post-conflict settings, identify gaps in knowledge and reporting, and explore how to increase the effectiveness of current responses to such violence.

Missing Peace Initiative Steering Committee

Dr. Kathleen Kuehnast, Director, Gender Policy and Strategy, U.S. Institute of Peace

Dr. Chantal de Jonge Oudraat, President, WIIS

Prof. Inger Skjelsbæk, Research Professor, PRIO

Kim Thuy Seelinger, JD, Director, Human Rights Center, University of California, Berkeley

List of Participants

Inger Skjelsbæk	Research Professor, PRIO Centre on Gender, Peace and Security & Associate Professor, University of Oslo
Torunn L. Tryggestad	Deputy Director of PRIO & Director of the PRIO Centre on Gender, Peace and Security
Kim Thuy Seelinger	Director of the Sexual Violence Program at the Human Rights Center, University of California, Berkeley
Kathleen Kuehnast	Director of Gender Policy and Strategy at the US Institute of Peace
Chantal de Jonge Oudraat	President of Women In International Security
Henrik Urdal	Director, PRIO
Marita Sørheim-Rensvik	Norway's Special Envoy on Women, Peace and Security
Pramila Patten	United Nations Under-Secretary-General & Special Representative on Sexual Violence in Conflict
Lord Tariq Ahmad of Wimbledon	UK Prime Minister's Special Representative on Preventing Sexual Violence in Conflict
Bineta Diop	Special Envoy on Women, Peace and Security for the African Union
Christine Chinkin	Emerita Professor & Director, LSE Centre on Women, Peace and Security
Patricia Sellers	International Criminal Lawyer & Special Advisor for Gender to Office of the Prosecutor of the International Criminal Court
Esther Dingemans	Director, Dr. Denis Mukwege Foundation
Kjersti Lohne	Postdoctoral Fellow at the University of Oslo's Faculty of Law
Anette Bringedal Houge	Research Fellow at the University of Oslo's Faculty of Law
Gloria Atiba-Davies	Victims Expert, Office of the Prosecutor at the International Criminal Court
Patrick Cammaert	Major General (retired) in the Royal Netherlands Marine Corps and the United Nations
Alessandra Nervi	Program Manager, Norwegian Red Cross
Fiiifi Edu-Afful	Research Fellow and Deputy Head of the Peace Support Operations Programme at the Kofi Annan International Peacekeeping Training Centre
Maria Baaz	Professor, University of Gothenburg
Marsha Henry	Associate Professor & Deputy Director, LSE Centre on Women, Peace and Security

Michele Leiby	Associate Professor at the College of Wooster
Idun Tvedt	Special Envoy to the Philippines peace process & Senior Advisor, Norwegian Ministry of Foreign Affairs
Maria Tanyag	Research Fellow at Monash University's Gender Peace and Security Centre
July Fajardo	Research Coordinator, Humanas Colombia
Leo Nwoye	International Lawyer & PhD Candidate, University of St. Andrews
Sarah Gillett	British Ambassador to Norway
Rosy Cave	Head, Gender Equality Unit & Head, Office of the UK Prime Minister's Special Representative on Preventing Sexual Violence in Conflict, Human Rights Department, UK Foreign & Commonwealth Office
Andrew Harvey	Head of Political and Public Affairs, British Embassy Oslo
Thomas Miskin	Political and Communications Adviser, British Embassy Oslo
Elisabeth Slåttum	Senior Advisor, Section for Peace and Reconciliation, Norwegian Ministry of Foreign Affairs
Ingjerd Elisabeth Kroken	Senior Advisor, Norwegian Ministry of Defence
Kari Thorsen	Senior Adviser, Norwegian Agency for Development Cooperation
Julie Marie Hansen	Researcher & Manager, PRIO Centre on Gender, Peace and Security
Louise Olsson	Senior Researcher, PRIO
Gudrun Østby	Senior Researcher, PRIO
Lotte Vermeij	Senior Advisor, Norwegian Defence University College
Sine Vorland Holen	Senior Advisor, Norwegian Defence University College
Nora Sveaas	Psychologist & Associate Professor, University of Oslo
Sophie Huve	Hillary Rodham Clinton Law Fellow, Georgetown Institute for Women, Peace and Security
Barbara K. Trojanowska	Doctoral Researcher, Centre for Gender, Peace and Security at Monash University
Megan Bastick	Doctoral Researcher, Centre for Gender, Peace and Security at Monash University
Elisabeth Ng Langdal	Executive Director, Health and Human Rights Info (HHRI)
Gro Lindstad	Executive Director, FOKUS
Christine Wiik	Gender Advisor, Norwegian Refugee Council
Johanne Reinertsen	MA student, University of Oslo
Astrid Thomassen	MA student, University of Oslo

