Gender perspective in the South African and East-Timorese Truth and Reconciliation Commissions

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Abstract

For this thesis it was carried out a study about gender perspective in the South African Truth and Reconciliation Commission and the East-Timorese Commission for Reception, Truth and Reconciliation. It was studies individually each of these commissions and in the conclusion it was made a comparison between them, bringing out both the good practices and the flawed points, and how the evolution of gender mainstreaming in the international instruments have influenced both commissions. An armed conflict affects men and women in different ways. The numbers show that more men than women suffer severe human rights violations. Nevertheless women are more vulnerable to become victim of sexual violence, which causes great trauma. Because of the inevitable harm, females have to deal not just with the trauma cause by the violence, but also with the discrimination and ostracism in their own communities. Debates in international level directed to an examination about the role of women in countries in transition and in the processes of transitional justice. Later, it developed to discussions on gender issues in truth commissions and the particular suffering faced by women and girls and their special needs. South Africa had the first Truth and Reconciliation Commission to have a concern on women’s issues. Despite great efforts to uncover the truth and promote to reconciliation of the population, the TRC turned a blind eye to the issue of sexual violence as human rights violation against women and the consequences of the conflict in their lives. The gender-neutral position adopted by the TRC resulted in absence of gender mainstreaming. The consequence was reflected in a lack of sensitivity on different ways that women and men experienced the conflict. The result is that the special female needs were not taken into account. On the other hand, the Commission for Reception, Truth and Reconciliation in East Timor evolved this concept and effectively implemented gender mainstreaming. Sexual crimes were investigated and the special needs of women and girls have been met. Moreover it was analysed the violation of economic, social and cultural rights of women. Fifty per cent of the reparations were destined for women, because the commission recognized a bigger vulnerability of women. However, the flawed point was the non-investigation of forced maternity, which was understood not as a crime per se, but as a mere consequence of rape.

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https://doi.org/20.500.11825/277

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