



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des tribunaux cambodgiens

អង្គភាពគាំពារជនរងគ្រោះ

Victims Support Section

Section d'appui aux victimes

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

Report

Training Workshop on: “Gender Sensitivity and Transitional Justice for ECCC Officials”



Date: June 22, 2012, Phnom Penh, Cambodia

Funded by:

United Nations Trust Fund to End Violence Against Women



Table of Contents

	Page
Acronym & Abbreviation.....	3
I. Background.....	3
1. Objective.....	3
2. Purpose.....	3
II. Workshop.....	3
1. Opening.....	3
2. Gender Sensitivity and Transitional Justice.....	4-6
3. Small Group Session.....	6-11
4. Workshop Evaluation.....	11-13
III. Closing.....	13
List of Annexes	
- Annex 1: Agenda.....	14-15

Acronym & Abbreviation

- ASF	Advocats Sans Frontiers France
- CPL	Civil Parties' Lawyers
- ECCC	Extraordinary Chambers in the Courts of Cambodia
- GIZ	Die Deutsche Gesellschaft für Internationale Zusammenarbeit
- OCP	Office of the Co-Prosecutors
- OCIJ	Office of the Co-Investigative Judges
- TC	Trial Chambers
- PAS	Public Affairs Section
- PTC	Pre-Trial Chamber
- SCJ	Supreme Court Judge
- WESU	Witness and Expert Support Unit
- ITU	Interpretation and Translation Unit
- VSS	Victims Support Section

I. Background

On 22 June 2012, The Victims Support Section (VSS) of the Extraordinary Chambers in the Courts of Cambodia (ECCC), in cooperation with Transcultural Psychosocial Organization (TPO) and Cambodian Defenders Project (CDP), organized the Training Workshop on “Gender Sensitivity and Transitional Justice” for ECCC officials. The workshop was facilitated by Ms. Caitlin Reiger, expert consultant, and was held at the ECCC premises (Room C210). The workshop was attended by 42 participants (Female: 24; Male: 18) from different offices at the ECCC.

1. Objective

This training's focus was on how to improve staff awareness of how gender issues could be better promoted and protected in the context of a juridical transitional justice mechanism such as the ECCC.

2. Purpose

The purpose of the workshop was to encourage all ECCC staff to step back from their daily work to better familiarize themselves with the fundamental principles of transitional justice (how the ECCC is contributing to Cambodia's efforts to deal with its past) while ensuring that gender specific interests and concerns are properly protected and promoted. The training also aimed to provide opportunities for legal staff to develop practical strategies for integrating these issues into their work at the current stage of the ECCC's life.



II. Workshop:

1. Opening

Mr. IM Sophea, Outreach Coordinator, opened the workshop on behalf of Mr. RONG Chhorng, Chief of the VSS. He emphasized the importance of the issues and objectives to be covered in the workshop, which focuses on the topic of “Gender Sensitivity and

Transnational Justice”. He made his claim that the understandings of justice are really important for the continuation of the proceedings. He further noted that VSS has worked hand in hand with some organizations and especially the United Nations to formulate a plan aimed at providing victims of the Khmer Rouge crimes with justice. He also noted, however, that the ECCC was not able to address all multi-faceted aspects of demands for justice, and the meeting also offered all participants an opportunity to reflect on other complementary steps that may be needed. The prevalence of sexual and gender-based violence during the Khmer Rouge era is an issue that has finally begun to be exposed. At the same time, the ECCC is well-advanced in its work, and while there is much still to be done, it is clear that it will not provide all the answers or justice that many victims seek.

Mr. Im Sophea introduced the workshop facilitator, Ms. Caitlin Reiger, a long term expert formerly with the International Center for Transitional Justice (ICTJ). Ms. Caitlin Reiger is an Australian lawyer who has worked on transitional justice and post-conflict rule of law and human rights for over a decade. For the past two years she was Director of International Policy Relations at the International Center for Transitional Justice (ICTJ) and from 2005-2010 she was Deputy Director of ICTJ’s Prosecutions program and led ICTJ’s work in Cambodia and the former Yugoslavia. She has provided technical advice and policy analysis to post-conflict justice initiative and hybrid tribunals in many countries. From 2003 to 2005 she was the judges’ senior adviser at the special Court for Sierra Leone and in 2001 she co-founded the Judicial System Monitoring Program in East Timor, also appearing as defence counsel before the Special Panels for Serious Crimes, She has been Adjunct Professor at New York University’s Center for Global Affairs and her publications include Prosecuting Heads of State (Cambridge University Press 2009).



2. Gender Sensitivity and Transitional Justice presentation by Ms. Caitlin Reiger

After initial introductions of all participants, Ms. Reiger commenced the workshop with a brief explanation of the concepts of transitional justice, -noting that it was quite late in the ECCC’s life to be still doing so. Transitional justice is the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of serious human rights violations, and is supported

by the United Nations and international legal frameworks that impose obligations on states and recognize the rights of victims to truth, justice, reparation and guarantees of non-recurrence.

Ms. Reiger then explored with participants the concept of gender-sensitivity, examining the difference between gender (socially constructed stereotypes and expectations based on sex) and sex (biological/physical characteristics of women and men). The impact of gender roles is derived from the particularities between different cultures, the way we are taught and learn, and have impacts on men’s and women’s access to rights and resources.

To illustrate the point, she made reference to the long-held custom of **Chhab Srey** in Cambodian society. Participants affirmed that **Chhab Srey** is the “women’s code”, captured in an old poem, has long reflected the culture of Cambodian people regarding appropriate behavior for women and girls. Other examples included the prohibition of some parents toward their daughters against going to school because of fears that she would secretly have a boyfriend. . Another participant noted that **Chhab Srey** used to be integrated into the public school academic studies program. Participants were also asked to reflect on contemporary forms of gender-based violence that are prevalent today in Cambodian society, including trafficking of women and girls, violence against women in vulnerable forms of employment (sex work, garment factories, beer promotion), acid attacks and domestic violence. This is the context in which the ECCC’s work is taking place.

Ms. Reiger emphasized that gender sensitivity is not only about awareness-raising but it is also about the use of positive steps to reduce the negative impacts of gendered assumptions and beliefs.

Participants were asked to reflect on the links between these concepts and the subject of the ECCC’s work, by identifying examples of gender-based violence under the Khmer Rouge regime. How would gender stereotypes affect how much we know about these forms of harm? These examples were then collected and displayed on the wall for the rest of the day. Among several propositions, the case of sexual harassment, forced marriage, treatment of women who were pregnant or had just given birth were raised.

During KR time:	
<ul style="list-style-type: none"> - Women were raped in exchange for food, safety, fortune. - Forced marriage that both men and women suffered - Forced marriage - Sexual slavery - disintegrations of the family unit - Children kidnappings - Sexual mutilation during interrogation or while in detention - Not taking into account specific situations affecting women, such as forced labor while highly pregnant or very soon after child-birth. - Lack of hygiene can affect women more than men. - Under Khmer Rouge Cambodian women suffered abuse on: <ul style="list-style-type: none"> * Careless: when she had prenatal and deliver. - Women did not access to basic health services 	<ul style="list-style-type: none"> - Gender and Sexual violence under KR Regime: <ul style="list-style-type: none"> *Rape*Forced marriage: no right to decide future couples - Organized marriage for KR soldiers and women in the cooperatives where those KR soldiers had option to choose women they want to marry to and women difficult the same option. - IF husband / employer arrested, woman and children would also be arrested though no offence committed. - Women probably forced to marry. - Forced to do very heavy physical work beyond strength. - The women working more than 10 hours per day such as harvest, - Domestic violence - Rape - Forced married

<ul style="list-style-type: none"> - Women need to work like men, not thinking about gender. - Woman was forced to work as man after she has just delivered a baby. 	<ul style="list-style-type: none"> - Forced nudity
---	---

She asked participants to reflect on whether some crimes against both men and women were used in different gender-specific ways, such as when women were threatened with marriage to handicapped soldiers if they refused to submit to forced marriages. Ms. Reiger also drew from lessons in gendered experience of conflict in other countries. Examples of how women are particularly affected include mass killing, long-term economic hardship, displacement, sexual and reproductive related violence, sexual slavery, forced recruitment, and health impairment. She then outlined ways in which transitional justice processes have become more responsive to these experiences. For instance, the International criminal Tribunal for the former Yugoslavia had adopted particular rules of evidence for the examination of witnesses testifying about sexual violence.

In the case of East Timor, the truth commission formulated a special reparations package and created space for women to describe their sufferings. In Peru, an outreach team was created to meet with women in the remote rural areas in order to help those women. Truth commissions have increasingly examined both the violations against women and also the root causes of the violence, such as the experiences of commissions in Liberia, Timor-Leste, Sierra Leone. In some cases there have been positive examples of recommendations leading to reparations and institutional reforms to prevent a repetition of such violence.

During the discussion, participants indicated that the prosecutors had tried to include gender-specific charges in the first trial but that the scope of the charges was limited. How could gender-crimes be raised in this situation? There may be opportunities such as where witnesses are permitted to testify to all charges if they are frail and may not survive for future trials. Other questions focused on whether there were other examples of sexual violence being prosecuted as a crime against humanity before 1975, and the example of Bangladesh was offered in this regard. Ms. Reiger also raised the standards that govern both the national and international sides of the ECCC, including the obligations under recent Security Council Resolutions (1325, 1888, 1889) to hold perpetrators of sexual and gender based violence accountable for their crimes.

3. Small Group Session: Identifying opportunities for improving gender/TJ sensitivity at the ECCC.

After the lunch break participants broke into small groups to explore in more detail the opportunities and possible strategies for improving gender sensitivity in the remainder of the court's life. Each group focused on a different aspect of the court's work:

GROUP 1 – CURRENT PROCEEDINGS

GROUP 2: REPARATIONS AND NON-JUDICIAL MEASURES

GROUP 3: ENGAGING WITH THE COMMUNITY

GROUP 4: ECCC'S INSTITUTIONAL CULTURE

Each group's findings were then presented to others as follows:

GROUP 1 – CURRENT TRIAL PROCEEDINGS
--

Question	Answer
1. ARE THERE ANY OPPORTUNITIES TO HIGHLIGHT GENDER-SPECIFIC HARMS IN 002/1? FORCED TRANSFERS? COMMUNICATION STRUCTURES?	<ul style="list-style-type: none"> -Evidence of how victims are affected as women -Sexual violence during forced transfers - Separation of families: (physical vulnerability of women and out of protection of family - Gender specific reparations
2. CAN FURTHER INVESTIGATIONS BE ORDERED?	<ul style="list-style-type: none"> -Further investigations -Rules allows it but difficult in practice
3. HOW DO THE REMAINING CHARGES DEAL WITH GENDER-BASED VIOLENCE?	<ul style="list-style-type: none"> -Force marriage and rape -Forced labor -Rape as part of torture or before execution -Rape and killing of Lon Nol's soldiers wives
4. ARE THERE OTHER WAYS IN WHICH THE CONDUCT OF THE TRIAL CAN BE MORE GENDER-SENSITIVE?	Case 004: investigation ongoing → focus GBV
5. WHAT OPPORTUNITIES ARE THERE IN THE CONTEXT OF CASES 003/4?	<ul style="list-style-type: none"> - Kind of evidence heard (experiences of women as aggravating factor) - Hearing of female witnesses and civil parties to show specific impact
6. LIST 3 THINGS THAT ARE NEEDED TO IMPROVE GENDER-SENSITIVITY AT THE ECCC?	<ul style="list-style-type: none"> - Gender balanced staff Ex: investigators and translators - Gender balance in witnesses and civil parties selection (survivors) - Reparations aimed at COB victims

GROUP 2: REPARATIONS AND NON-JUDICIAL MEASURES

Question	Answer
1. LOOK IN MORE DETAIL AT THE GENDER-BREAKDOWN OF REPARATIONS CLAIMS. WHAT DOES IT TELL YOU? WHAT NEW QUESTIONS DOES IT RAISE?	<ul style="list-style-type: none"> - More women are victims/suffers - More women are interested in judicial process - More women are survivors. - New questions: - How to address women victims' need? - Is there any strategy to response to gender issue regarding to the KR regime?
2. HOW MIGHT GENDER BE RELEVANT IN: <ul style="list-style-type: none"> • FORMULATING THE CONSOLIDATED REQUEST (BY CIVIL PARTIES/CO-LEAD LAWYERS) • RESPONDING TO THE REQUEST (BY THE PARTIES) • FORMULATING AN AWARD OF REPARATIONS (BY THE TRIAL CHAMBER) 	<p>The gender relevant:</p> <ul style="list-style-type: none"> - Formulating the consolidated request: - Reparation projects design must look at gender issue - The implementation/ beneficiaries must address/response the need of gender - Female participation – contribution- benefits
3. WHAT COULD GENDER-SENSITIVE NON-JUDICIAL MEASURES LOOK LIKE?	<ul style="list-style-type: none"> - Identify specific non-judicial measure project that response to gender issue. - Female participation – contribution - benefits
4. LIST 3 THINGS THAT ARE NEEDED TO IMPROVE GENDER-SENSITIVITY AT THE ECCC?	<ul style="list-style-type: none"> - Voice of women in the court room (civil parties and witness) - Gender balance should be addressed in the human resource management polices - All request/decision making should focus on gender priority

GROUP 3: ENGAGING WITH THE COMMUNITY

Question	Answer
1. WHO DOES THE ECCC DEAL WITH (OUTSIDE ITS OWN STAFF)? LIST THE VARIOUS STAKEHOLDERS AND HOW GENDER MIGHT BE RELEVANT.	<ul style="list-style-type: none"> -Victims - Civil party - Government - Civil society - Experts/scholars - Media -Donor - Public - Bar association - UN outside of ECCC - Universities/school - Religious leader
2. SUGGEST AT LEAST 3 WAYS IN WHICH THE ECCC'S OUTREACH COULD BE MORE GENDER-SENSITIVE	<ul style="list-style-type: none"> -Civil parties/victim: confidentiality prevents outreach including information on fact found in outreach messenger. -Women empowerment through meeting, training, coaching, forums about their right as civil party. -Female group for discussions -Cooperation with women's committees in provinces/commune council -Training for civil party.
3. HOW CAN THE ECCC GUARD AGAINST REINFORCING GENDER STEREOTYPES?	<p>Call for more initiative or professions not to follow gender stereotype and be model.</p> <p>Ex: female security/driver/translators/lawyer.</p> <p>Female staff appearing in court as example (prosecutor, defense almost male and CP lawyer many female.)</p>
4. HOW CAN THE ECCC ENCOURAGE COMPLEMENTARY TRANSITIONAL JUSTICE PROCESSES, INCLUDING THOSE THAT DEAL WITH GENDER VIOLENCE	<ul style="list-style-type: none"> -Financial support of NGOs -Sending report to such projects
5. LIST 3 THINGS THAT ARE NEEDED TO IMPROVE GENDER-SENSITIVITY AT THE ECCC?	<ul style="list-style-type: none"> -Independent gender focal point supported by national and international side -Including information in court publications -Improve HR policies as model.

GROUP 4: ECCC'S INSTITUTIONAL CULTURE	
Question	Answer
1. LIST SOME EXAMPLES OF HOW THE ECCC WORK ENVIRONMENT AFFECTS MEN AND WOMEN DIFFERENTLY.	<p>-More men are working in ECCC/ UNKART</p> <p>Ex: in general (leadership position particularly) judicial office and chambers.</p> <p>17% female and 83% male</p>
2. HAVE YOU EXPERIENCED BETTER OR WORSE EXPERIENCES OF GENDER-AWARENESS IN OTHER WORK ENVIRONMENTS?	<p>-Difficult to tell what dynamics are on day to day basic because of language</p> <p>-lack of interaction between national and international employees</p> <p>-institutional- hiring and maternity considerations- worse for Western/better for Cambodians</p>
3. WHEN YOU REFLECT ON YOUR TIME AS AN ECCC/UNAKRT STAFF MEMBER, WHAT WILL YOU TELL YOUR GRANDCHILDREN ABOUT THE EXPERIENCE?	<p>-ECCC hope is rich/interesting</p> <p>-Resilient (UNAKRT)</p> <p>-Seek it out</p> <p>-More knowledgeable about KR: learned that it actually happened and will pass on that history to children</p> <p>-How to adapt to a multicultural environment ECCC</p> <p>-Proceedings are more open/adversarial than domestic proceeding (nation)</p> <p>-Learn to avoid extremism →about Cambodia history</p>
4. LIST 3 THINGS THAT ARE NEEDED TO IMPROVE GENDER-SENSITIVITY AT THE ECCC?	<p>-Open dialogue</p> <p>-Increase female staff</p>

	-Nurture female who are here -Support systems -Training for women →education opportunities
--	--

4. Workshop Evaluation

After the workshop, the participants were requested to complete an evaluation form in order to find out how the participants have enriched their knowledge in Gender Sensitivity and Transitional Justice.

Department	Q1. Did you find the workshop useful	Q2. Did you learn anything new?	Q3. How could the training have been improved?	Q4. List any suggestions for further training in this area?	Q5. Any other comment
LCL	Yes, it helps to understand more about the GBV and especially how to fit it with the ECCC's context (proceeding, reparation for victims)	Yes, we can say like this as it brings me to focus a bit deeply in the concept of GBV	Need more time and more detail on the content of the GBV in the context of the Khmer Rouge Regime	-More detail in TJ -More detail in GBV -More specific and detail in the way GBV fit with the ECCC's mandate	Suggestion for more workshop and discussions on the issue of GBV and ECCC and how to incorporate it in domestic justice system
OCP	Yes, discussing with different member from different department regarding this issue was enmeshing	Yes, sharing thoughts with Cambodians especially with sincerely valuation	More people involved	More often	No
	Yes, it can remain everyone to interest on gender and TJ in the ECCC and build momentum on this concept	Yes, I have knew profoundly on the gender-based violence under the KR regime, also under another countries, and	-Increase more knowledge in TJ, gender violence mirrored in different society -Reflect some policy to	-Provide the relevant documents to participants before staring training -Translation in Khmer version for the important	- There are minimum of male participants -Any questions for a male groups discussion has not correctly responded or

		the conflict between culture, traditional and gender	reduce a gender's discrimination and intensity the equality between women and men -like to get more training to have more information	documents -Increase the number of male participants	relevant to the subject and it may be late to pose some question in this present proceeding -Reduction of the participants in the afternoon
	I found it interesting to hear the discussion of legal challenge to presentation as well as the national staff	A lot about cultural and the legal approach to SGSC	I think by	No	No
	I am certainly glad to have attend, thanks to the facilitator and organizer	Having chosen a small group whose focus was to my mind of content important but outside the scope of my responsible I learnt a great deal from the insight of challenges.	Possibly by "Pre-screening" agenda focus topic with several section in order to suggest more of further retirement of focus	Training need to move level victims 'groups or possible existing civil society	
CPLs	I have found a lot of interest from the workshop, as a participation of women in the transitional justice in the ECCC and also the	I have new knowledge on: -Effects of gender violation specially the violation of women and children's might in the Khmer Rouge	-Clearing understanding on all points on gender based -Women must participants to enhance their capacity especially female victim must have	-Please provide the documents before starting a workshop and translate in Khmer to facilitate a participants -Please enhance the	-On each small discussion should have one translator -organize each groups with the equality according to the number of participants

	interest and might of female civil parties in the court	Regime -Knowledge of increasing to reduce a gender based violation -New knowledge about cultures, traditions and women	brave to report and say truth of their fact that they had -Reparation must be gained of the victims -Victims must have a real justice	male participants and who can understand the means of the workshop, if it's not that this workshop don't have good result that we want	-After the conclusion of teach group's s presentation, we should have time to comment -Enhance the member's participants to show the respect of women's through to until the end of the workshop
--	---	---	--	--	---

III. Closing

Ms. Reiger closed the workshop and thanked all officials for their participation. There were a number of lively discussions and the challenge is for participants to apply some of the strategies they had identified when they go back to work.

List of Annexes:

- Annex 1: Agenda

AGENDA

Gender Sensitivity and Transitional Justice Workshop for ECCC officials

Venue: Room C210/Friday June 22, 2012

Time: 9:00-3:30p.m

Time	Activities
8:30 – 9:00 a.m.	Registration
9:00a.m-9:10a.m	Welcome Remarks by Mr. IM Sophea, Outreach Coordinator of VSS/ECCC
9:10a.m-9:30a.m	Introduction and Getting past the Jargon <i>What is transitional Justice? What is Gender Sensitivity? Why is this relevant to the ECCC's work?</i>
9.30-10.00a.m	What do we know about Sexual and Gender Based Violence in Cambodia? During the DK regime? Now? <i>This session will present the findings of some recent research that suggests gender-based violence under the DK regime was more prevalent than has generally been thought. Is gender-based violence only about rape/sexual violence? To give some context to the ongoing relevance of the ECCC's work, the session will also examine how similar issues are currently dealt with under the Cambodian ordinary justice system today.</i>
10.00-10.45a.m	Gender and Transitional Justice lessons from similar contexts. <i>This session will provide an overview of lessons that have been drawn from other post-conflict contexts, including the ways in which cultures of violence and impunity impact on women and men in different ways. How does this affect both their experience of the harm they have suffered, and their access to effective remedies.</i>
10:45-11:00a.m	Coffee Break
11.00-12.00noon	How does it fit with the ECCC's mandate? <i>This session will explore ways in which issues of gender sensitive transitional justice are connected directly with the ECCC's mandated task of prosecuting senior leaders and those most responsible for crimes committed during the KR period. Are there relevant standards in Cambodian and international law? How is the ECCC doing so far? What will the long term impact of the court be for victims of gender based violence?</i>
12:00-1:30p.m	Lunch
1.30-2.30p.m	SMALL GROUP SESSION: Identifying opportunities for improving gender/TJ sensitivity at the ECCC. <i>This session will break participants into smaller groups to explore in more detail the opportunities and possible strategies for the remainder of the court's life. Issues tackled may include both current judicial proceedings,</i>

	<i>reparations and non-judicial measures, external relations, and the ECCC's own institutional environment.</i>
2.30-2.45p.m	<i>Coffee Break</i>
2.45- 3.30p.m	<i>REPORT BACK AND WRAP UP</i>
3:30p.m	Closing by VSS/ECCC officer