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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

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Report

Training Workshop on “Gender Sensitivity and Transitional Justice Workshop for Civil Society”



Date: June 27, 2012, Phnom Penh, Cambodia

Funded by:

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Acronym & Abbreviation

- ADHOC	The Cambodian Human Rights and Development Association
- BTS	Banteaysrei
- CCHR	Cambodian Center for Human Rights
- CDP	Cambodian Defenders Project
- CHRAC	Cambodian Human Rights Action Committee
- ECCC	Extraordinary Chambers in the Court of Cambodia
- LAC	Legal Aid of Cambodia
- LICADO	Cambodian League For the Promotion Defense of Human Rights
- LSCW	Legal Support for Children and Women
- PAS	Public Affairs Section
- PCC	Positive Change Cambodia
- TPO	Transcultural Psychosocial Organization
- VSS	Victims Support Section
- WESU	Witness and Expert Support Unit
- WMC	Women's Media Centre of Cambodia
- YFP	Youth for Peace
- UN Women	United Nations Entity of Gender Equality and the Empowerment of Women

I. Background

On 27th 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 civil society, and was held at the Inter-Continental Hotel. The workshop was facilitated by Ms. Caitlin Reiger, expert consultant. Workshop was attended by 43 participants (Female: 29; Male: 14) from different organization.

1. Objective

The objective of the workshop was to highlight the prevalence of sexual and gender-based violence during the Khmer Rouge era and to explore opportunities for justice beyond what the ECCC alone will be able to provide. Participants were encouraged to develop creative ways to think about what else might be needed to ensure that gender concerns are incorporated into their work on accountability for the past.

2. Purpose

The training workshop is a good opportunity to learn more about transitional justice strategies and how they have been used to provide justice for gender violence in other countries.

The training will also provide opportunities for staff to develop practical strategies for integrating these issues into their own programming and activities.

II. Workshop:

1. Opening



Mr. IM Sophea, Outreach Coordinator, opened the workshop on behalf of Mr. RONG Chhorn, Chief of the VSS. Thank you so much for your presence here today for the training workshop on “Gender Sensitivity and Transitional Justice.”

Historically, the ECCC/VSS, in partnership with CDP and TPO, have been awarded a project of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) on “Promoting Gender Equality and Accessing to Justice for Female Survivors and Victims of Gender-based Violence under the Khmer Rouge Regime”, from October 2011-September 2012.

Many working on the Khmer Rouge past are asking:

What is transitional justice?

What is gender-sensitivity?

How is gender linked to transitional justice?

Mr. Im Sophea introduced the workshop facilitator Ms. Caitlin Reiger, a long term expert formerly with the International Center for Transitional Justice (ICTJ).

Finally, he believes that we all will gain more knowledge and exchange your views well along with other participants.

Once again, he thanks you so much for your time and readiness for interaction. I look forward to these great outcomes, and hereby announce the opening of today workshop.

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

After the opening remarks Ms. Caitlin Reiger Provided an overview of transitional justice as the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of mass human rights abuse. She covered the range of judicial and non-judicial processes as well as the legal framework supporting victims’ rights to an effective remedy for serious violations. She then asked participants to reflect on the range of steps that Cambodia has already taken since 1979, many of which are overlooked by outsiders. The ECCC is not the only response, although it has been the most significant and internationally-supported effort to date. Transitional justice is always about practical and politically feasible solutions, and in Cambodia’s case it is important to remember the constraints that continue to result from the failure of the 1991 peace accords to tackle the question of justice. Participants were asked to identify which aspect of transitional justice – or gender justice –they were currently working on.

Areas of TJ addressed by participants

1. Truth-telling and finding
2. Documentation/collection of evidence
3. Relief and rehabilitation
4. Respect for human rights through (women's human rights: include sexual harassment, anti-discrimination/gender equality and justice (how does this connect to TJ?))
5. Restorative justice
6. Victims Support
7. Reparations
8. Criminal proceedings
9. Armed conflict at Thai border

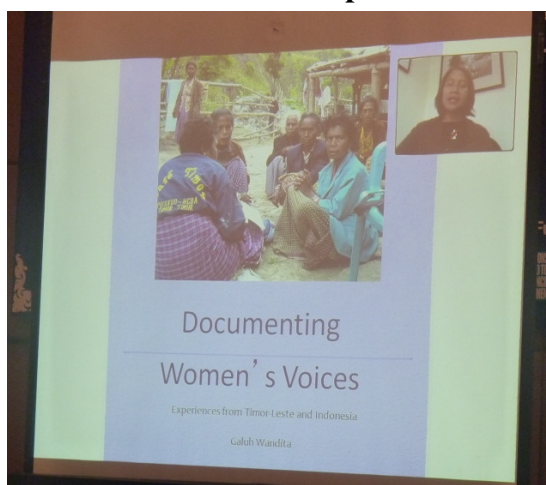
Ms. Reiger then moved to examine the concept of gender sensitivity, first in relation to Cambodia in general and then in relation to the DK regime. Are there links between past and present forms of violence? She presented lessons from other international experiences about the nature of gender-based violence during conflict and the ways in which women often experience it as a continuation between earlier and later forms of discrimination and violence. She then examined some ways in which transitional justice processes, such as truth-seeking and reparations, have had to adapt to become more responsive to the needs and demands of victims of gender-based violence.

How to incorporate a gender-focus?

Exercise (30 minutes) and report back

Ms. Caitlin asked the participants working in pairs to explore the arguments in favor of two different approaches to incorporating a gender focus. The first is to focus on women's experiences, whereas the second is to look at broader structural causes of gender violence. (One person takes position A and another takes position B). They had 30 minutes to discuss about this case and there were lively debates presented back to the larger group. Most people felt that both approaches had merit and ideally programming should incorporate elements of both in their work.

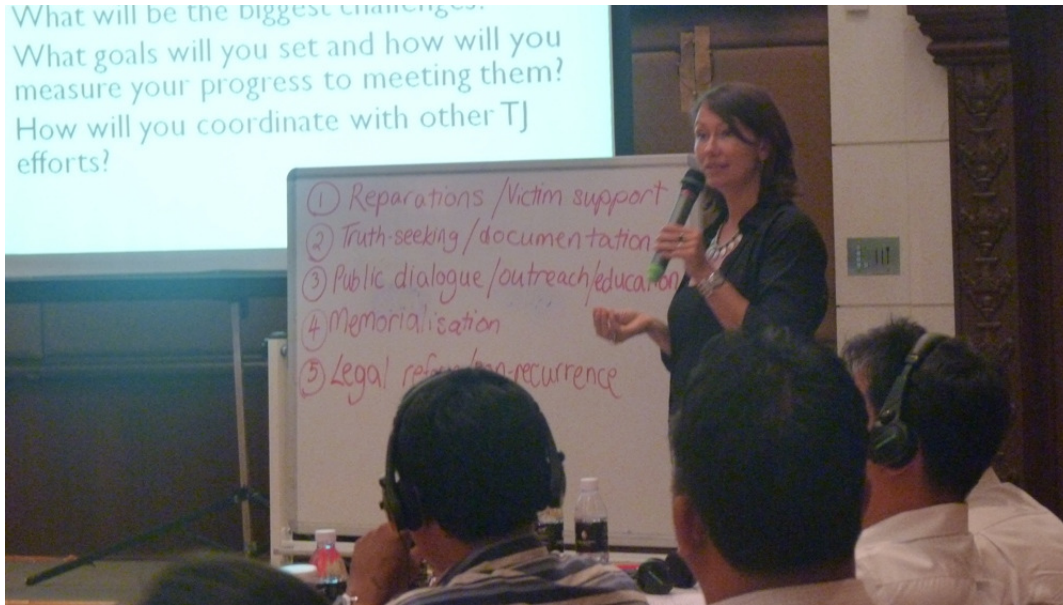
3. Gender Justice for past crimes in Indonesia and Timor Leste



After lunch, all participants watched the presentation by Ms. Galuh Wandita, delivered via Skype from Indonesia. **Ms. Galuh Wandita Soedjatmoko**, is an expert in gender and transitional justice, having worked on initiatives in Aceh and Papua, as well as at a national level in Indonesia and Timor-Leste. Her presentation looked at both formal and informal ways in which women's voices in Timor-Leste and Indonesia have been documented as part of transitional justice efforts.

4. Taking Gender-Sensitive Transitional Justice Forward in Cambodia

All the participants split into small groups to explore in more detail the opportunities and possible strategies for gender-justice for past crimes in Cambodia. Each group focused on a different area of transitional justice activity currently underway.



Questions for each group

	Question	Answer
Group I: Reparation/Victims Support	Q1. Are there transitional justice projects already underway or planned that could incorporate a gender focus?	Yes, outreach on reparation and gender.
	Q2. What further programming might be needed?	Gender based Khmer Rouge Victims, Self-help group
	Q3. What will be the biggest challenges?	Funding support and Technical support.
	Q4. What goals will you set and how will you measure your progress to meeting them?	External evaluation to the effectiveness and impact.
	Q5. How will you coordinate with other TJ efforts?	Seminar, workshop, training and broadcasting.
Group II: Truth-Seeking/documentation	Q1. Are there transitional justice projects already underway or planned that	CDP: -Films on forced marriages (assisted civil party and victims)

	could incorporate a gender focus?	-Women's hearing and reports (Filming of the hearings for education) -Research about gender-based violence in KR -Booklets (stories of victim) WMC: -Radio program about women's stories during KR
	Q2. What further programming might be needed?	Positive Change for Cambodia (PCC) -Incorporate transitional justice issues in current program a. Give voice to women b. Hearing more women speak out c. Women's rights and gender advocacy at International and National level with ASEAN (Video and case study) Banteaysrei (BS): -Document history of violence of victims during KR and how this can perpetuate domestic violence and CDP - CDP: 1. More women's hearing (larger than original) 2. Document psychological / support 3. Truth telling at the community level with TPO 4. Documenting cases of gender-based violence against men
	Q3. What will be the biggest challenges?	<ul style="list-style-type: none"> • Funding • Making Victims (men and women) comfortable with speaking out • Fighting stereotypes • Destigmatizing • Getting the government on board • Providing safety for the victims who speak out against people still living • Measuring effect
	Q4. What goals will you set	<ul style="list-style-type: none"> • Women Hearing

	and how will you measure your progress to meeting them?	-Goal: Increase impact -Measure: Number of testifiers and participants <ul style="list-style-type: none"> • Radio Program -Measuring knowledge of listeners and callers through surveys -Goal: increase <ul style="list-style-type: none"> • BS Document connection between violence during KR and current domestic violence measure survey to decrease domestic violence
	Q5. How will you coordinate with other TJ efforts?	<ul style="list-style-type: none"> • Recommend government to support truth finding and documentation of gender based violence • Coordinate with local and international orgs. • Document best practice and warse practice in project approach to avoid repletion of mistakes or failed programs
Group III: Public Dialogue/Outreach/ Education	Q1. Are there transitional justice projects already underway or planned that could incorporate a gender focus?	TT's Projects: To Integrate gender maintreaming (current project) <ul style="list-style-type: none"> • In-ter generation dalogue • Youth Forum, learning centers • Training curriculum • Gender focus Team • Gender focus Team • Gender focal person @intitution • S-GBV victims to Access justice and restore their rights • Awarebess raising via media / radio • Wider access by public/ gender disparity to count

	Q2. What further programming might be needed?	<ul style="list-style-type: none"> • Allowing women with children visit court / hearing • Incorporating gender related information into court, IECs, info. Plateform , publication more accessible. • Internal staff training/gender issue/program • More gender related issued covering in program for public dialuge. • Males are also targeted for all respects of projects
	Q3. What will be the biggest challenges?	<ul style="list-style-type: none"> • Court mandate / proceedings • More reactive and resources • Institutional policy / HR incorporated
	Q4. What goals will you set and how will you measure your progress to meeting them?	Starting to build up capacity and empower gender group to studying, training of outputs and survey
	Q5. How will you coordinate with other TJ efforts?	Gender network / gender focal person network
Group IV: Memorialisation	Q1. Are there transitional justice projects already underway or planned that could incorporate a gender focus?	<p>-Yes, establish youth group include female and male to crease the memorialization in their community</p> <p>-Collective all the information of gender base violence and compile document for memorialization</p> <p>-Rebuild and repair Stupa for memorialization (Not focus only women)</p>
	Q2. What further programming might be needed?	Should build and lunching Stupa that we are painting the gender-violence (Forced married)

	Q3. What will be the biggest challenges?	-Knowledge of gender in traditional justice (GTJ) -Finance problem -Outreach Activity focus on gender in traditional justice (GTJ) in community is not widely
	Q4. What goals will you set and how will you measure your progress to meeting them?	-Project of memorialization should focus on GTJ -Measure: How many project to relate to GTJ?
	Q5. How will you coordinate with other TJ efforts?	Memorialization (Truth-telling, reparation, Justice, Reconciliation, documentation)
Group V: Legal reform/non-recurrence	Q1. Are there transitional justice projects already underway or planned that could incorporate a gender focus?	Project underway: Advocacy Gender Process <ul style="list-style-type: none"> - Legal + judicial reform → political part of money - Rule of law/ legacy(OCHCR) → round-table on prosecution of rape + impunity - Trial monitoring (CCHR+AIJI)→ under discussion - Analysis of human rights → consequences for women from past violence Situation today
	Q2. What further programming might be needed?	Address gender issue in on-going programs through gender-mainstreaming → internal gender policy improvement → include women's experience in each advocacy topic → include criteria for trial

		monitoring on treatment of female accused/victims.
	Q3. What will be the biggest challenges?	-Knowledge + awareness + practical will form gender-sensitive legal reform -Limited discussion of GBV at ECCC (legacy should include historic record)
	Q4. What goals will you set and how will you measure your progress to meeting them?	Example of legacy -Historic record does not leave out women's specific experience. -Jurisdictional legacy should not further impunity for GBV. -Procedural legacy should address gender equality. -Reparation takes into consideration needs of women. -Witness support
	Q5. How will you coordinate with other TJ efforts?	N/A

5. Workshop Evaluation

After the coffee break, all the participants were requested to fill in the form of Workshop Evaluation in order to find out how the participants have enriched their knowledge in Gender Sensitivity and Transitional Justice.

Organization	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?	Q.5 Any other comments
ECCC	-I learned the new "what is the transitional justice and gender" it is really important for finding justice in society and county	There are four type for providing justice: 1. Reparation and victims support 2. Realization 3. Truth seeking 4. Justice	This training workshop is very important for me due to I work very closely with victims and gender and		
	Yes	-Got a broader perspective on ECCC	-might have been better	N/A	Thanks you for the brilliant

		as focus of transitional justice -Statistic of victims gender breakdown -points peace agreement	if the participant were seated in round tables finding the beginning to have discussions throughout the day		workshop
Banteaysrei	Yes, I learnt many things. The presenter was really good, really clear, it was easy to understand and people felt at ease to comment or ask question	Yes, I did not really know anything about transitional justice before coming to this workshop. Also, I want to learn more about SGBV during the KR	N/A	N/A	N/A
	It is useful for me to understand more about Gender Sensitivity and the meaning of TJ	-Gender Sensitivity -Transitional Justice -Goal of gender sensitivity and TJ	It is excellent because it is related to TJ and goal of Gender sensitivity	It is good to participant to learn about TJ and concentrate on the important point of TJ	-I want to have this kind of workshop more than one -it is too short to study
Not mention Org.	-It was important at facilitator had more focused on the gender and transitional justice. -Good that short introduction on gender definition	- Transitional Justice: truth, justice, reparation, non-recurrence	-Use different methods -More focusing on gender transitional justice	-No need to talk to much on gender definition, it is not an new issue or term. There are many organization and government agencies working on this for long time now -should give more experience on Gender and TJ	-Should give more on practice strategy on gender and TJ in project management
Not mention	Yes	-Transitional Justice	-More than	N/A	N/A

Org.		-Gender Sensitivity	one day (should be two days)		
TPO	Yes, I did learn about TJ, but something new is gender related to TJ, and I found it very interesting	-Gender and TJ -Some risky we should think of while practice GTJ	-More time to discuss and big team and small group	No	No
ADHOC	-Give more experience related to gender justice and sensitivity -Learned more knowledge about how to apply gender in social and family -the experience from other perspective (comtri on gender issue)	-Knowledge about the concept of Gender Sensitive -Current issue of gender in social and family	-Provide more opportunity for participants to express ideas -The experience sharing among participants and expert's lectures	- The mechanism of building space for gender balance in social -how to resolve the dilemma between justice and reconciliation in the concept of Cambodia.	-Should encourage/invite to have gender balance -More group discussion rather than panel discussion
	It's very importation	Know about the gender and Traditional Justice	Presentation it high technology	It's short time for this training, I suggest	Difficult to understand discuss about the question
AIJI	Yes, this workshop give me input rather than be useful when monitor trial in ECCC by making me more aware of gender issues that may aright during proceeding	Yes, information of gender based violence in rather countries, participant those in countries, participating those inside ASEAN, where new to me and several five bases per comparison.	No	No	No
	Not directly to our organization but I found it very interesting in a general sense	Yes, although I had some knowledge about TJ and have not been discussed the topic extensively	N/A	N/A	Very interested
Not mention Org.	It is very important	I learn the words: Gender Sensitivity, Gender base-violence in post-conflict, what is traditional justice?	-Need more explain about key words relate to gender	-Should more organize this workshop	-Use sample question

			because it really difficult		
WESU	This workshop is very important because it have a lot of civil society to attend this workshop and they work closely with gender that we fact every day	I learnt more related it with ECCC proceeding related with gender and slide presentation about Timor-Leste	This training workshop is very good that we show about the Timor-Leste online and Skype	This workshop should invite more NGOs who working related with this issue	Should push the discussion
CHRAAC	I thought the workshop was very informative and facilitated a progressive discussion between NGOs with similar interests/goals	I gained a better understanding of transitional justice how unique it must be to each situation	N/A	N/A	Great workshop Thank you
TPO	It is useful for TOP project	To learn and know about the gender experience from TJ and Timor and Indonesia -To understanding about definition of TJ	Good arrangement, Invitation and well-informed	I would like to comment for the time management, especially for coffee break and lunch time so it's time to closer.	N/A
YFP	It's very importance for me	-Gender transitional Justice -Experience of TC of East Timor	It helps me to initiate new idea to intergrade the TJ in my project	Give more document regarding this topic	It's short time for this training, I suggest 2 or 3 days for conducting it later. -Share case study of other country about South Africa etc.
	Yes, very useful, I gained a lot of inspiration to advise my NGO on how to improve and mainstream gender sensitivity, especially during	What efforts other countries have undertaken to introduce gender into traditional justice processes	The group work should have been longer and produce more tangible results,	Try to also invite other staff, not just NGO heads . Provide more information on gender specify in the	Offer training for NGO staff especially TOT and field staff.

	the last session in small group		especial with regard more time for the debate (Position A and B) in the morning	Cambodian context, gender roles have entry points for change etc.	
PCC	It's useful to me and my organization	New learning on gender sensitive and traditional and justice that is the first time for me, have been working many years not focused on Traditional Justice and social GBV	Often face to clarify and give more explanation of routine facts confused	It's good to participants learned on traditional and Justice and experienced with sky on video and on the impact of culture and social and stereo types	Should conduct students to visit among participants with modal target of ECCC or TPO or CDP
LICADHO	It is useful	-Transitional justice -Reparation -Gender violation during Khmer Rouge regime	It is good because the audience is skillful in this subject and show us good experience from other countries	N/A	Spend a lot of money on venue, we should choose other place that can spend less than this
WMC	It is useful and know more about TJ	-Truth-seeking -Justice -Reparation	Understand more about TJ -Not only for ECCC, we talk about the outside work and NGO	Gender sensitivity and TJ in Khmer is heard to understand so you should explain clearly than this	I want to have this kind of workshop for student as well
LSCW	Yes, I did. I have learned about TJ which is very new to me related to my career dealing with women	In term of TJ definition (Truth Commission, reparation, justice and non-recurrence) and technology	Provide more time for the questions and answers	Detail about ECCC and ECCC financial matter	N/A

	experienced Gender-Based Violence	presentation about women 's consequences in accessing to full justice			
	It is useful for me	TJ	The workshop let me know about gender and real practice in Timor	I want to have this kind of workshop and explain more about gender including the real practice relevant to gender	Please provide document or Disk that related to gender

III. Closing

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

Summary of Training

- Gender sensitivity requires an awareness by all individuals within an institutions of the impact of cultural/social stereotypes on their work, followed by positive steps to overcome obstacles to quality
- ECCC-important role but not able to provide “Full justice”
- Other opportunities to promote transformative justice for victims of gender crimes in Cambodia

List of Annexes:

- Annex 1: Agenda
- Annex 2: Gender Breakdown of Victims Engaging with the ECCC

Time	Activities
8:30 – 9:00 a.m.	Registration
9:00a.m-9:10a.m	Welcome Remarks by VSS
9:10a.m-9:30a.m	Introduction and Getting past the Jargon <i>What is transitional Justice? Why is it still relevant to Cambodia?</i> <i>What is Gender Sensitivity?</i>
9.30-10.00 a.m	What do we know about Sexual and Gender Based Violence in Cambodia? During the DK regime and since? What has Cambodia done so far to deal with the legacy of this past and how does it link with current forms of gender-based violence? <i>This session will briefly recap recent work that suggests gender-based violence under the DK regime was more prevalent than has generally been thought, and reflect on TJ efforts to date. Did women and men experience the KR in the same ways?</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 and how transitional justice responses have evolved. 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	<i>Coffee Break</i>
11.00-11.20	Gender justice for past crimes in Indonesia and Timor Leste (video presentation by Galuh Wandita)
11.25-12.15	Exercise (30 minutes) and report back
12:15-1:30p.m	<i>Lunch</i>
1.30-2.00p.m	How has the ECCC addressed justice for gender-based violence so far? <i>This short presentation will briefly look at how much the ECCC has provided justice for gender crimes in the cases before it and the likely limits of the process.</i>
2.00- 3.15p.m	Taking gender-sensitive transitional justice forward in Cambodia <i>Participants will break into small groups to explore in more detail the opportunities and possible strategies for gender-justice for past crimes in Cambodia.</i>
3.15- 3.30p.m	<i>Coffee Break</i>
3.30- 4.00p.m	Report back and discussion
3.30- 4.00p.m	Evaluation and closing.

Annex 2: Gender Breakdown of Victims Engaging with the ECCC

GENDER BREAKDOWN OF VICTIMS ENGAGING WITH THE ECCC¹

Victim participation

Admitted Civil parties by gender	3864
Men	39%
Women	61%

Inadmitted Civil Party Applications	119
Men	41%
Women	59%

Complaints	4128
Men	42%
Women	57%

Reparation was sought by 94% of both men and women.

Men	39%
Women	61%

Protection sought?

(by both civil parties and complainants)	
Men	12%
Women	14.59%

Types of reparation sought:	Men	Women	Total	Men	Women
Medical Services	406	806	1212	33%	67%
Schools	399	600	999	40%	60%
Infrastructure	394	569	963	41%	59%
Individual Reparations	286	635	921	31%	69%
Justice	332	479	811	41%	59%
Memorials	226	343	569	40%	60%
Documentation of KR crimes	154	281	435	35%	65%
Religious Buildings	144	192	336	43%	57%
Collective Not Specified	129	178	307	42%	58%
Funeral Ceremonies	74	209	283	26%	74%
Other Reparations	14	5	19	74%	26%

Equal demand for: schools, infrastructure, justice, memorials

More women than men wanted medical services, individual reparations, documentation, funeral ceremonies

More men than women wanted religious buildings, other collective reparations

¹ Based on information provided by ECCC/VSS