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Seeing Violence in the Aftermath: What's Labeling Got to Do with It?

To observe at all is to bestow meaning of some kind on the thing observed; to gather peculiar pieces of evidence is to seek those relevant to some conceived notion of their utility.[1]

INTRODUCTION

In post-conflict Liberia and Timor-Leste, pictorial messaging campaigns against violence against women are visible in expected and unexpected ways throughout the cities and countryside. On roadsides and roundabouts, from well-equipped city offices to remote and resource-poor rural locations, one is regularly confronted by large vivid posters depicting rape scenes (Monrovia) and sketched images of domestic violence (Dili). In both contexts, the state's recent adoption of legislation regulating rape (Liberia) and domestic violence (Timor-Leste) is visible through these portrayals, as well as being a distinct message in itself. In Northern Ireland, these issues are largely confined to pamphlets in doctors' offices and posters in women's centers or in women's bathrooms in bars, although there are increasingly visible billboard posters addressing intimate partner abuse. The abundant messaging, particularly in Timor-Leste and Liberia, portrays a post-conflict society that appears to be experiencing a "crisis" of violence against its female population. Both countries are depicted as grappling with increasing levels of violence that appear almost out of control. In Timor-Leste, domestic violence has been described as "drastic,"[2] and, in Liberia, the sexual violence of the conflict is said to be "haunting" the post-conflict period.[3]

The previous chapters of this book have all focused on the presence, type, and qualities of violence against women, expanding understanding of the experiential and empirical reality of violence and its relationship across pre-, during-, and post-conflict settings. While this was the aspect of violence I originally set out to research,

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[1] Peter D. McDonald and Michael F. Suarez (eds.), *Making Meaning: "Printers of the Mind" and Other Essays of D. F McKenzie* (Amherst, Boston: University of Massachusetts Press, 2002), p. 16.

[2] Susan Harris Rimmer, *Gender and Transitional Justice: The Women of East Timor* (London and New York: Routledge, 2010), p. 135.

[3] Stephen Lewis, "Peace is a Mere Illusion When Rape Continues. Remarks Delivered at the Wilton Park Conference: Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers?" (2008). Retrieved September 10, 2008, from www.pambazuka.org/en/category/comment/50445.

the public discourse I just described became impossible to ignore during my empirical work. I repeatedly observed a very specific composition that the concept of gendered violence was presumed to occupy in the post-conflict context. Implicit in its ubiquitous visibility and representation in public messaging was the belief that its prevalence was specifically due to the dynamics of the foregoing conflict and its fallout. A discourse circulated, identifying a type and pervasiveness of violence that was "new," was of a threshold far beyond what was acceptable or had previously existed, and was increasing as a result of the conflict.

All of this may have been true and, is, of course, a plausible dynamic in any context. Except that, when I looked for documentary evidence or studies that substantiated this reality, as I will demonstrate in this chapter, there were none to be found. Questioning interview respondents on these dynamics only led to more questions, rather than answers. Numerous scholars have pointed to the ways in which violence against women endures after conflict has ended.[4] This has been an important issue for feminist scholars to make visible. The enduring pervasiveness of violence in women's lives has been made visible by feminist scholars and was evidenced in earlier sections of this book. Gendered harms do not disappear as conflict ends but rather remain a critical concern for post-conflict transition.[5] As demonstrated through the pre-, during-, and post-conflict mapping of violence in the previous chapter, gendered violence is ever-present.

Up to this point, this book has emphasized the variant pervasiveness of gendered violence globally across multiple conflict and non-conflict contexts. There is a growing body of scholarship that makes similar claims to those I heard in my case study sites, however: that violence is particularly prevalent in the post-conflict environment. I re-engage with this body of work (some of which is cited in Chapter 2) to contextualize why I devote this chapter to the dynamic of post-conflict violence *parlance* rather than to the violence itself. Numerous scholars reference an increase in violence after conflict. As discussed in Chapter 2, there are small-scale studies and multiple media reports that discuss how returning combatants are violent in the home. Yet, in many cases, it is not clear whether these are men who are ordinarily violent and happen to have returned to the place in which they ordinarily commit this violence, or whether this is a new behavior brought on by the experiences of warfare and therefore represents an actual increase. As cited in Chapter 2, a study found that women in Sierra Leone and Liberia did not perceive their returning husband's violence toward them as stemming from the war because such violence had been present in their homes even before the war. They did

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[4] For example see: Tracy Fitzsimmons, The Postconflict Postscript: Gender and Policing in Peace Operations, in *Gender, Conflict and Peacekeeping*, edited by Dyan Mazurana, Angela Raven-Roberts, and Jane Parpart (USA, Rowman & Littlefield Publishers, 2005), p. 185.

[5] Sheila Meintjes, Anu Pillay, and Meredeth Turshen (eds.), *The Aftermath: Women in Post-Conflict Transformation* (New York, Zed Books Ltd., 2001).

however note the more prevalent use of violence and aggression as means to attain resources and power.[6]

There are, of course, documented cases of returning soldiers being more violent than before.[7] The ingredients of trauma, relational triggers, and performance of hyper-masculinities are all concrete contributory factors. There is no doubt that violence can become a means to express frustration or to cope, and evidence shows that the deployment of soldiers may contribute to family stress in terms of separation, isolation, and fears due to exposure of family members to danger.[8] The potential for this dynamic can, and will, vary. In some of the literature a presumptive link has been drawn between war experiences and use of violence in the home, however.[9] On deeper scrutiny, many of these are theoretical rather than empirically based arguments, and assumptions reinforced by scholars citing one another,[10] and often it is not clear what kinds of violence in what spaces are assumed to have increased.[11] There are also concerns in the literature about changes in the intensity of violence, with some limited evidence that returning male combatants use their guns in domestic violence upon return.[12] Yet, small arms also feature in domestic violence in contexts where arms are ordinarily available even where there is no armed conflict.[13] These examples, and those identified in Chapter 2, paint a very complex picture of violence dynamics after conflict. To truly understand the correlations between

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[6]   Rebecca Horn, Eve S. Puffer, Elisabeth Roesch, and Heidi Lehmann, "Women's perceptions of effects of war on intimate partner violence and gender roles in two post-conflict West African Countries: consequences and unexpected opportunities." *Conflict and Health* 8 (12) (2014), pp. 1–13, 6–7.

[7]   Fitzsimmons, "The Postconflict Postscript: Gender and Policing in Peace Operations."

[8]   James E. McCarroll et al., "Deployment and the probability of spousal violence by US Army soldiers." *Military Medicine* 165 (2000), pp. 41–44.

[9]   Elizabeth Nelson, "Victims of War: The First World War, Returning Soldiers, and Understandings of Domestic Violence in Australia." *Journal of Women's History* 19(4) (2007), pp. 83–106.

[10] Sheila Meintjes, Anu Pillay, and Meredeth Turshen, *The Aftermath: Women in Post-Conflict Transformation*; Carolyn Nordstrom. *Girls and Warzones: Troubling Questions* (Sweden: Life & Peace Institute, 1997); Margaret Urban Walker, "Gender and Violence in Focus: A Background for Gender Justice in Reparations." In *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations.* Edited by Ruth Rubio-Marín (New York: Cambridge University Press, International Centre for Transitional Justice, 2009). For an overview of additional such "common sense assumptions," see Doris Buss, "Seeing Sexual Violence in Conflict and Post-Conflict Societies: The Limits of Visibility." In *Sexual Violence in Conflict and Post-Conflict Societies: International Agendas and African Contexts*, edited by J. L. Doris Buss, Blair Rutherford, Donna Sharkey, and Obijiofor Aginam (New York, London: Routledge, 2014), p. 15.

[11] See, for example: Fitzsimmons, "The Postconflict Postscript: Gender and Policing in Peace," p. 185; Bett Goldblatt and Sheila Meintjes, *Gender and the Truth and Reconciliation Commission: A Submission to the Truth and Reconciliation Commission* (South Africa: University of the Witwatersrand, 1996). Meintjes et al., *The Aftermath: Women in Post-Conflict Transformation.* Nordstrom, *Girls and Warzones.*

[12] United Nations Secretary-General, Women, Peace and Security (New York: United Nations, 2002), p. 15.

[13] In countries with high rates of violence related to arms, the percentage of women killed with arms is higher; in the United States, for example, access to weapons increases the risk of homicide in cases of domestic violence by five times: J. C. Campbell et al., "Risk Factors For Femicide in Abusive Relationships: Results From A Multi-Site Case Control Study," *American Journal of Public Health* 93(7) (2003).

past and present violence, and the possibility of increases in that violence after conflict, requires a nuanced contextually specific assessment.

As noted in Chapter 2, the difference between *prevalence rates* and *reporting rates* is widely acknowledged as a critical distinction when researching violence against women. In general, the literature does not specify what is meant by "increases" in violence post-conflict, and often does not make clear the distinction between increased violence and increased reporting. This body of work does not always make explicit the temporal periods being compared. In other words, it is unclear whether the perceived or observed increases in violence after conflict arise in comparison with levels of violence that took place during the preceding armed conflict; or in comparison to the period of "peace" before the conflict; or indeed whether comparisons are being made between ordinary violence and conflict-related extraordinary political violence, or to the in-between conflict-influenced violence identified in this book. More importantly, it is unclear what increases in violence may mean to women who are experiencing this violence – is it the prevalence, the form, or the intensity (or all of these) of violence that increases?

Inevitably, at least on a micro scale, there are incidents and patterns of violence that emerge post-conflict – this book has already identified the ability of violence to mutate across time and in response to contextual factors. It has also documented the kinds of violence that might appear in the medium- to longer-term post-conflict environments, connected to and distinctive from conflict dynamics. In all, however, there appears to be little robust empirical evidence of qualitative or quantitative comparison that demonstrates changes or relationships between rates of gendered violence in any temporal period that precedes a "post-conflict" moment. This calls into question whether there can truly be an estimation that there are universal "increases" of violence after conflict.

It became clear during my empirical work that the way that gendered violence was being perceived and framed post-conflict was contributing to a "common good," a collectively agreed-upon and almost, at that point, "customary" assumption about that violence, which was influencing understanding and responses to it. This in turn appeared to directly determine what interview respondents considered their knowledge of that violence to be and consequently influenced how they framed their answers to my questions. I have had to directly consider what that might mean for my findings. Can a researcher take at face value that violence is increasing because respondents say it is? I include this specific chapter with the aim of drawing normative perceptions of violence into my analysis. I do so to evidence the ways in which *perceptions* and *normative framing* of violence influence our understanding of it, and in turn, can impact how we attempt to address it through post-conflict transition. This chapter also contributes to an emerging debate on the question of increases in gendered violence post-conflict. This chapter does not set out to measure the prevalence of violence before and after conflict, either quantitatively or qualitatively. As noted earlier, that data is not available, and that was not the purpose of this book. Rather, this chapter focuses on the post-conflict context as a

distinctive moment for examining violence against women and contributes to the coming discussion on transition and justice in the next two chapters. It examines two under-researched issues: the relevance of *perceptions of violence* and of *reporting trends of violence* to how post-conflict gendered violence is understood.

The first section of this chapter presents a picture of violence against women after conflict in each case study based on available data and my interviews. The second section discusses the relationship between the prevalence and reporting of violence and proposes that a process of legal, social, and political labeling of violence occurs after conflict. The opportunities and constraints associated with the labeling process and labeling theory itself are then examined in the concluding section. Timor-Leste serves as the lead case study in this chapter.

UNDERSTANDING THE PICTURE OF VIOLENCE AFTER CONFLICT

In this section, I present an overview of the "statistical picture" of domestic and sexualized violence at the time of research in each country.[14] This is followed by an analytical account of the "discourse picture" in each site and how interview respondents viewed the relationship between the prevalence of violence and reporting trends. I then outline a set of analytical observations based on these two sets of data.

(i) The Statistical Picture

The sources and types of data on violence against women available across the three settings are not consistent. Nor is there clarity on what forms of violence are specifically counted within broader categories of harm. Comparative analysis across the three sites therefore cannot be made. Rather, the data is set out here to provide a snapshot of the ways that violence has been recorded and the resulting statistical picture on prevalence of reported violence since the end of the conflict in each site (where available, more recent statistics have been added since the empirical research was conducted to bring the picture up to date). Comparison can then be made between this data and observations made by respondents on post-conflict violence.

The Liberian conflict is estimated to have "ended" in 2003. The data becomes available four to five years post-2003, a period that could represent the move from an immediate-to-longer term aftermath period. A 2007 Liberia DHS found that 29 percent of women experienced physical violence in the twelve months prior to the study; this varied in frequency and was perpetrated by people known to women – husbands/partners, mothers/stepmothers, and fathers/stepfathers.[15] It found that

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[14] Statistics on domestic violence and rape were chosen for the purposes of discussion as they were the only forms of violence consistently reported across the statistical sources gathered for this research from each country.

[15] Liberia Institute of Statistics and Geo-Information Services (LISGIS) [Liberia], Ministry of Health and Social Welfare [Liberia], National AIDS Control Program [Liberia], and Macro International

among women who have ever experienced sexual violence, 32 percent were by current or former intimate partners (8 percent was by police or soldiers, and the study makes a link between those incidents and the period of the conflict).[16] Forty-eight percent of respondents to the study said that their husbands insist on knowing their whereabouts at all times,[17] while 49 percent have experienced some form of physical (35 percent), sexual (11 percent), and/or emotional violence (36 percent) within their intimate relationships with men.[18] Of those women who have experienced physical or sexual violence in their relationships, 94 percent had experienced it in the last 12 months, while 95 percent had experienced emotional violence in that period.[19] At the time of my research in 2010, three clinics on the outskirts of Monrovia run by Doctors without Borders (MSF)[20] received a combined total of 775 reports of sexual abuse in 2008 and 810 reports in 2009. The majority of those reporting abuse were female, and, of those, the largest age group was between 12 and 17 years old (outliers of 1 to 50 years). Up to 80 percent of those reporting were minors who experienced abuse mainly by people known to them and which involved penile rape.[21] A 2010 survey in Liberia found that most perpetrators of sexual and domestic violence were known to those reporting.[22] Data retrieved from the Liberia National Police (LNP) began at 2009 and recorded three categories of rape in that year – 162 individual rapes, 16 gang rapes, and 159 statutory rapes.[23] In 2012, the LNP received 369 reports of rape.[24] There were no specific

Inc. *Liberia Demographic and Health Survey 2007* (Monrovia: Liberia Institute of Statistics and Geo-Information Services (LISGIS) and Macro International Inc., 2008), p. 227.

[16]   Ibid., p. 230.   [17]   Ibid., p. 231.

[18]   Estelle Zinsstag, *Violence Against Women in Armed Conflicts and Restorative Justice: An Exploratory Analysis*. Paper presented at the In Feminism and Legal Theory Project "Conflict and Transitional Justice: Feminist Approaches," Emroy University, September 19–20 (2008), p. 232.

[19]   Liberia Institute of Statistics and Geo-Information Services (LISGIS) et al. *Liberia Demographic and Health Survey 2007*, p. 239.

[20]   The acronym is based on the organization's original French name, Médecins Sans Frontières.

[21]   Interview B_8; MSF (2009). Médecins Sans Frontières 2008 *Sexual Violence Figures*, Médecins Sans Frontières (Belguim in Liberia, MSF 2010); Médecins Sans Frontières, 2009 *Sexual Violence Figures* (Médecins Sans Frontières – Belguim in Liberia, 2010).

[22]   Small Arms Survey. Peace Without Security: Violence Against Women and Girls in Liberia, Issue Brief No. 3. Geneva: Small Arms Survey, 2012.

[23]   Government of Liberia, Monthly Crime Statistics Update for the Year 2009. Monrovia, Liberia National Police (2010). The Liberian Government's Rape Amendment Act "Sex and Related Offences Law" (2006) was promulgated on January 17, 2006. It amends the Penal Code of June 1976, Chapter 14, Sections 14.70 and 14.71: Ministry of Foreign Affairs, Liberia. *An Act to Amend the New Penal Code, Chapter 14, Sections 14.70 and 14.71 and to Provide for Gang Rape*. Monrovia, Ministry of Foreign Affairs, Approved December 29, 2005, promulgated January 17, 2006. A United Nations submission to the Universal Periodic Review for Liberia notes that: "Sections 14.70 and 14.71 of the Penal Law relating to rape (rape law) were amended and inter alia expand the definition for the offense of rape, outlaw gang rape, establish stringent penalties for rape of minors or gang-rape." United Nations Country Team Liberia, *Universal Periodic Review of Liberia: Joint Submission by the UN Country Team (UNCT) in Liberia for the UN Compilation Report; 9th Session of the UPR Working Group* (Monrovia: November 1–2, 2010), p. 2.

[24]   Government of the United States, Country Reports on Human Rights Practices 2012 – Liberia (USA: US Department of State, 2012), p. 16.

statistics on domestic violence as a category by the LNP at the time of my data collection (2010). The Ministry of Gender and Development (now the Ministry of Gender, Children and Social Protection) analyzed statistics from a range of sources for November 2009–January 2010, revealing that rape was the most frequently reported form of violence, followed by domestic violence.[25] In 2011, the Ministry collected data regarding 2,383 reported incidents of sexualized violence, and, for 2012, 1,687 reported incidents of sexualized violence.[26] The 2013 Liberia National DHS found that 43 percent of women agreed there were justifiable reasons for a man to beat his wife.[27]

The first available data on violence against women in Northern Ireland are statistical records for domestic violence beginning 1996: two years after the first significant cease-fires between conflict parties, and two years before the 1998 Belfast/Good Friday Agreement that ended hostilities and that currently stands. In 1996, domestic incidents[28] involving the police stood at 6,727, climbing to 14,429 in 1998[29] – a doubling of recorded incidents between these dates. From 2004 onward, the Police Service of Northern Ireland (PSNI) adopted a new reporting system, noteworthy for how this may affect comparison over time, plus indicative of attention to data collection post-conflict. For 2003–4, there were 16,926 incidents recorded; for 2009–10 there were 24,482 recorded incidents;[30] for 2010–11, 22,685 reports; and 27,628 reports for 2013–14.[31] Crimes with a domestic motivation constituted up to 28 percent of the overall category of violence

25   Government of Liberia. *January 2010 Report of Gender Based Violence Unit* (Monrovia: Ministry of Gender and Development, 2010). These statistics are taken from consolidated reports of governmental and non-governmental service providers dealing with violence against women.

26   Global Network of Women Peacebuilders, *Women Count – UN Security Council Resolution: Civil Society Monitoring Report, Global Network of Women Peacebuilders* (New York: Global Network of Women Peacebuilders, 2013), p. 85.

27   Government of the Republic of Liberia, Liberia Demographic and Health Survey (DHS) (Liberia Institute of Statistics and Geo-Information Services, 2013).

28   "Domestic incidents" or "domestic violence" in Northern Ireland is primarily addressed by the following act: *The Family Homes and Domestic Violence (Northern Ireland) Order 1998, No. 1071 (N.I. 6)*, April 22, 1998. It is also regulated through Section 32 of: "Police (Northern Ireland) Act, (2000)"; Section 75 of the Northern Ireland Act (1998); and The European Convention on Human Rights (European Court of Human Rights, Council of Europe, November 4, 1950). See generally, for more: Northern Ireland Policing Board, *Thematic Inquiry on Domestic Abuse* (Northern Ireland Policing Board Human Rights and Professional Standards Committee, Belfast, 2009). It has been noted that within the UK there have been "very few cases taken under s.6 of the Human Rights Act 1998 that involved domestic violence" – proposed by the following author as being the result of "restrictive test of standing" within the Human Rights Act. Ronagh McQuigg, "The Victim Test Under the Human Rights Act 1998 and its Implication for Domestic Violence Cases." *European Human Rights Review* 3(2011), pp. 294–303.

29   "Women's Aid Federation, Police Statistics." Retrieved April 18, 2011, from www.womensaidni.org/statistics/PoliceStatistics.htm.

30   Police Service of Northern Ireland. *PSNI Annual Statistical Report: Domestic Abuse Incidents and Crimes* (April 1, 2009–March 31, 2010), (Belfast: Police Service Northern Ireland); Police Service Northern Ireland, *Domestic Abuse Incidents and Crimes (2004–2005)*, (Belfast: Police Service of Northern Ireland).

31   Police Service of Northern Ireland, Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2013/14 (Belfast: Police Service of Northern Ireland, Northern Ireland Statistics and Research Agency, July 3, 2014).

against persons from 2013 to 2014.[32] Calls managed by the Women's Aid domestic violence helpline increased from 3,678 in the 1995–96 reporting period to 29,402 in the 2009–10 period;[33] 38,296 for the 2010–11 period;[34] and up to 55,029 for 2013–14 period.[35] The only available published report from the Rape Crisis Centre, which was established during the period of the conflict, indicates rising numbers of calls to the center: from 566 in 1994 to 851 in 2004.[36] The PSNI statistics show 252 recorded reports of rape in 2001–2.[37] From 2010 onwards (following revision to statistical collection as a result of new legislation), recorded rape offenses rose from 533 in 2010/11 to 737 in 2014/15.[38]

The first available data on violence against women in Timor-Leste came three years after the referendum on independence. A study in 2002 found that 51 percent of women surveyed had felt unsafe in their relationship with their husband in the last 12 months.[39] Violence by perpetrators outside the family had decreased. During the 1999 political crisis 24.2 percent had experienced physical violence by a non-family member, compared to 5.8 percent post the crises, a decline of 75.9 percent. Sexual violence of this kind had also decreased by 57.1 percent.[40] A 2003 national DHS omitted questions on domestic violence on the request of the advisory committee, a missed opportunity for collecting specific data at that point in time.[41] A 2010 DHS found that women aged 25–29 experienced the highest rates of physical violence, at 39 percent, and 3 percent of women have experienced sexual violence.[42] At the time of the empirical work, reliable

32   Ibid.
33   Women's Aid Federation, Reach Out, Speak Out: Women's Aid Federation Northern Ireland Annual Report 2009–2010. (Belfast, Women's Aid Federation Northern Ireland, 2010), p. 27; Women's Aid Federation Northern Ireland Annual Report 2008–2009 (Belfast: Women's Aid Federation Northern Ireland, 2009), p. 22.
34   Women's Aid Federation Northern Ireland Annual Report 2010–2011 (Belfast, Women's Aid Federation Northern Ireland, 2011).
35   Women's Aid Federation Northern Ireland Annual Report 2013–2014 (Belfast: Women's Aid Federation Northern Ireland, 2014).
36   Rape Crisis Centre Northern Ireland (2005). Annual Report, p. 26.
37   Police Service of Northern Ireland, *Police Recorded Crime in Northern Ireland 1998/99 to 2010/11* (Belfast, Police Service of Northern Ireland, June 30, 2011), p. 10. Also, Northern Ireland Office, *A Commentary on Northern Ireland Crime Statistics, 2003* (Belfast, Statistics and Research Branch, Northern Ireland Office, 2003), p. 9.
38   Police Service of Northern Ireland, Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2014/15 (August 6, 2015).
39   International Rescue Committee, "A Determination of the Prevalence of Gender Based Violence Among Conflict-Affected Populations in East Timor, Report of the Pilot Study" (Dili: International Rescue Committee, 2002).
40   Michelle Hynes, Jeanne Ward, Kathryn Robertson, and Chadd Crouse. "A Determination of the prevalence of gender-based violence Among conflict-affected populations in Timor Leste." *Disasters* 28(3) (2004), pp. 294–321, 305–6.
41   Ministry of Health, National Statistics Office, Timor-Leste, and University of Newcastle, The Australian National University, ACIL Australia. *Timor-Leste 2003 Demographic and Health Survey* (Newcastle, Australia: University of Newcastle, 2004), p. 43.
42   National Statistics Directorate [NSD, Timor-Leste], Ministry of Finance [Timor-Leste]; ICF Macro. *Timor-Leste Demographic and Health Survey 2009-10*. Dili, Timor-Leste: NSD [Timor-Leste], ICF Macro, December 2010, pp. 228–32.

police statistics on violence against women in Timor-Leste prior to 2010 were considered non-existent. During my interviews, (international UN) police officers explained that in the early UN missions, international advisors to the Timorese police established different systems of data collection in accordance with their own national practices. As a result of the regular rotation of different national contingents, systems of data collection changed regularly. None of the tracked data from this early period are therefore reliable or comparable over time. This is a critical issue for the United Nations to consider in its future peacekeeping and political missions. A new approach was instituted just prior to the time of my research, initiated by a large Australian support program to the Policía Nacional de Timor-Leste (PNTL). Police statistics were available for the first six months of 2010, which recorded 117 reports of domestic violence[43] and 13 of rape.[44] Violence against women constituted about 40–50 percent of reported crime from 2009 to 2010.[45] Public data available on the PNTL website indicates that since that time, reports of rape have varied between 9 in 2011, 14 in 2012, and 9 in 2015.[46] PRADET, an NGO providing services to victims of abuse has seen an increase in reports of cases of domestic abuse, from 1 in 2002 to 114 in 2009, and increases in sexual assault from 4 in 2002 to 61 in 2009.[47] A study by the Asia Foundation found that 59 percent of ever-partnered women between the ages of 15 and 49 had experienced physical and/or sexual violence in relationships, while 47 percent had experienced one of these forms of violence by a partner in the previous 12 months.[48]

[43] Domestic violence has been specifically legislated for in Timor-Leste in 2010. Article 1 of the "Law Against Domestic Violence" defines domestic violence as "any act or a result of an act or acts committed in a family context, with or without cohabitation, by a family member against any other family member, where there exists influence, notably physical or economic, of one over another in the family relationship, or by a person against another with whom he or she has an intimate relationship, which results in or may result in harm or physical, sexual or psychological suffering, economic abuse, including threats such as acts of intimidation, insults, bodily assault, coercion, harassment, or deprivation of liberty." *Law Against Domestic Violence*, Law no.7/2010, Government of Timor-Leste (July 7, 2010).

[44] "Rape" is defined as an act by: "Any person who, by the means referred to in the previous article, practices vaginal, anal, or oral coitus with another person or forces the same to endure introduction of objects into the anus or vagina is punishable with 5 to 15 years imprisonment." Article 172; Article 173 sets out conditions of "Aggravation"; further related articles include "Sexual Exploitation" (Art. 174) and "Sexual Abuse" (Section IV). Rape is also included in Articles on "Crimes Against Humanity" and "Genocide", in Book II: (2009). Penal Code for Timor-Leste. *Decree Law no.19/2009*, Government of Timor-Leste. Sexual violence is captured under the "Law Against Domestic Violence" and defined thus: "Sexual violence is understood as any conduct that induces the person to witness, to maintain or participate in unwanted sexual relations, even within a marriage, through intimidation, threats, coercion or use of force, or which limits or nullifies the exercise of sexual and reproductive rights." Article 2 (b); (July 7, 2010). Law Against Domestic Violence. *Law no.7/2010*. Government of Timor-Leste.

[45] Field Notes_C_Policing Timor-Leste.

[46] Policía Nacional de Timor-Leste (November 2015). Estatístiku Krime Nasionál. See box titled "PNTL Nasionál – Krime Signifikante Hasoru Ema" for a five year comparison or reports of crimes categorized as "ofensa seksual" (sexual offenses).

[47] PRADET, 2002–2010 Statistics (Dili: PRADET, 2010).

[48] Asia Foundation, *Understanding Violence Against Women and Children in Timor-Leste: Findings from the Nabilan Baseline Study: Summary Report* (Dili: Timor-Leste, 2016).

There are significant differences in the availability of reporting outlets across these contexts. As noted earlier, in Northern Ireland women in some areas may still approach paramilitary actors and restorative justice mechanisms for assistance, while customary justice mechanisms in Timor-Leste and Liberia are used by women in those contexts. While presenting multiple challenges, these are often preferred reporting outlets for many people.[49] Differences in the degree to which reporting of these incidents as crimes is culturally and socially accepted, and a lack of qualification for variables such as per capita population, make it difficult to compare data across these contexts. Nevertheless, it is critical to consider what might tentatively be observed from the statistics.

First, in the case of Northern Ireland, statistics are available toward the conclusion of armed violence, and, in the case of Liberia and Timor-Leste, sometime after the conflict has ended. The collection of distinct data on violence against women is a relatively new development for each site as the conflicts end. This trend does not differ greatly from other countries around the world that may or may not have experienced conflict. The United Nations has highlighted that statistical data on violence against women is only sporadically available worldwide, becoming increasingly available from the mid-1990s period.[50] Taken at face value, the numbers reported are higher for Northern Ireland than those for Liberia and Timor-Leste, contradicting the stereotypical perception that developing countries, or those that have experienced "African conflicts," are more violent. The numbers in Northern Ireland may, of course, represent better data-collection techniques, a more embedded culture of data collection and reporting, particularly in policing systems, and greater availability of resources for reporting and recording than in the other two sites.

Second, all sites demonstrate increases in the volume of violence reported to service providers over time. The statistics represent a marked increase in representation of violence from the earliest to the most recent statistics. Respondents noted that increasing confidence in newly established services and improvements to these services may account for increased reporting – perhaps reflective of the reforms that

[49]   Fidelma Ashe, "Gendering Demilitarisation and Justice in Northern Ireland," *The British Journal of Politics and International Relations*, 17 (2015), pp. 665–80; Aisling Swaine, *Traditional Justice and Gender Based Violence in Timor-Leste* (Dili: The International Rescue Committee, 2003); Annika Kovar and Andrew Harrington. *Breaking the Cycle of Domestic Violence in Timor-Leste: Access to Justice Options, Barriers and Decision Making Processes in the Context of Legal Pluralism* (Dili: United Nations Development Programme, 2013); Sharon Abramowitz and Mary H. Moran, "International Human Rights, Gender-Based Violence, and Local Discourses of Abuse in Postconflict Liberia: A Problem of 'Culture'?," *African Studies Review*, 55, 2 (2012), pp. 119–46; Shai André Divon and Morten Bøås, "Negotiating justice: legal pluralism and gender-based violence in Liberia," *Third World Quarterly*, 38, 6 (2017), pp. 1381–98.

[50]   United Nations, *The World's Women 2005: Progress in Statistics* (New York: Department of Economic and Social Affairs of the United Nations, 2006), p. viii; United Nations, The World's Women 2010: Trends and Statistics (New York: Department of Economic and Social Affairs of the United Nations, 2010), pp. 129–30.

take place during post-conflict transitions.[51] There is also evidence that there have been improvements in statistics collection that may offer stronger data.[52] Furthermore, there are factors specific to each context that may influence the statistics. In Northern Ireland one respondent noted that,

> I was looking at PSNI stats for example and there was a massive increase in reported incidents in West Belfast and so your gut instinct is "wow, is there something happening in West Belfast" and then you've got to sit back in Northern Ireland and think is it maybe just that that community is gaining confidence in the police in that area . . . you've got to weigh all of these things.[53]

West Belfast, a predominantly Nationalist/Republican area of the city, was largely disengaged from the formal criminal justice system during the conflict, and the reporting of crime to policing structures for the duration of the conflict was minimal (see more in Chapters 3 and 4).[54] Under the peace process, and as a result of initiatives taken by political representatives of Nationalist/Republican communities, political relations between these communities and the PSNI were reinstated in 2007.[55] Significant efforts were made to improve police relations with these communities, and of course, with the end of the conflict, the police had more time and resources to spend on issues such as domestic violence.[56] A 2007 study on crime-reporting trends in Northern Ireland found that the greatest increase in crime reporting came from Nationalist/Catholic areas.[57] This study also found that the increase in recorded crime – in this case for the 2005–6 period – was due to an increase in *reporting* of crime rather than an increase in crime itself.[58] Significantly, the study found that changes may have occurred in people's experiences of crime, prompting more reporting.[59] The critical question remains whether the increased numbers of reports of violence represent increased violence or increased reporting. One author, for example, cites the MSF statistics in Liberia as indicating increases in

[51] Interview A_4, Interview A_14.   [52] Interview A_16.   [53] Interview A_4.
[54] The reasons for this were: (1) members of the Nationalist/Republican community failed to recognize the legitimacy of the Royal Ulster Constabulary (RUC), and (2) in Republican communities local communities were subject to paramilitary intimidation and threats that prevented them from accessing the formal policing structures. Jonny Byrne and Lisa Monaghan, *Policing Loyalist and Republican Communities: Understanding Key Issues for Local Communities and the PSNI* (Belfast, Institute for Conflict Research, 2008), p. 20.
[55] Ibid., p. 29.
[56] Neil Jarman, "From War to Peace? Changing Patterns of Violence in Northern Ireland, 1990–2003," *Terrorism and Political Violence*, 16, 3 (2004), pp. 420–38.
[57] Northern Ireland Policing Board, *Research into Recent Crime Trends in Northern Ireland* (Belfast: Northern Ireland Policing Board, 2007), p. 5.
[58] Ibid., p. 5. The report predicted increased reporting for the following years as confidence and use of policing grows in Catholic areas and that "less serious" crimes would now be more likely to be reported, which is presumed by this author to be a result of the absence of political crime associated with the conflict and speaks to the problems associated with hierarchies of violence already identified in this research.
[59] Ibid., p. 5.

violence following the Liberian conflict,[60] whereas in my discussions with MSF staff, they offered alternative explanations, which I will discuss later in this chapter.

Third, the data shows that there are differences in the forms of violence that predominate in the statistics of each country. In Northern Ireland and Timor-Leste, the highest frequency of reported gendered violence is domestic violence. For Liberia, the highest is rape. Of course, relying on the statistical data that is available may only provide a sketch of violence rather than a full picture. It remains unclear if, in Liberia, sexual abuse is a more common form of violence than other forms of domestic violence or whether this trend is indicative of data collection itself; or indeed as a result of public service strategies focused on and that encourage reporting of *sexual* harms, particularly when there is an absence of statistics available for domestic violence rates in Liberia.

(ii) The Discourse Picture

In this section, I explore the relevance of the lexicon employed by professionals to discuss violence against women and the ways in which contagion of language and framing can paint its own picture of violence. There was an uncertainty evident among interview respondents when they described the picture of post-conflict violence they were seeing through their work. When asked to describe current gendered violence in the post-conflict era, interview respondents in all three sites[61] more often than not described how violence against women had increased after the conflict.[62] This prompted me to ask further questions about what they meant, to be clear on whether they were referencing an increased prevalence of violence itself or an increased reporting of violence, or both. Extracts from interviews demonstrate that, in each of the three contexts there exists confusion or at least conflation between these two issues, and ambiguity over the way that violence is depicted. In Timor-Leste, this excerpt from a conversation with two respondents is demonstrative of discussions with many respondents there:

RESPONDENT 1:   I think violence has increased . . .
AUTHOR: The violence?
RESPONDENT 1:   Yes. . .
RESPONDENT 2:   Violence has increased, women are speaking out . . .
RESPONDENT 1:   Because they are now beginning to know about and understand it.

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[60] Aili Mari Tripp, "Legislating Gender-Based Violence in Post-Conflict Africa." *Journal of Peacebuilding and Development* 5(3) (2010), pp. 7–20.
[61] The respondents referred to in this section are largely service providers involved in service provision to victims/survivors of violence who may or may not be involved in collecting data relevant to their work.
[62] If they did not raise the issue unprompted a question on this issue was asked.

RESPONDENT 2:   People have access to information ... there are people that
                       give support, family or friends give support to her to speak out,
                       if they receive this support it is easier to speak out. But, people
                       who do not learn about this issue and do not receive support,
                       they are silent.[63]

It is apparent that while violence is described as being on the rise, the explanation for
this increase is due to increased reporting by women. A similar pattern emerged in
an interview in Liberia:

RESPONDENT: I think the violence after war is more than before war ... even
                       though it happened before the war, but after the war it was
                       more than before.
AUTHOR: Really? In what way, in number or in the type of violence?
RESPONDENT: In numbers. Because all the violence that is going on now was
                       going on before but as I say just had not reported it ... See, at
                       that time they had no way of reporting because there was no
                       way that someone will sit and listen to the problem and be able
                       to give them redress or take legal action. But now that a
                       woman can come and complain we have to go through or
                       put it through the process of law, they are coming in with
                       reports, that is the only difference.
AUTHOR: That's the only difference?
RESPONDENT: Yes ...
AUTHOR: So, then just to clarify, do you think that reporting has
                       increased or actual violence has increased?
RESPONDENT: Reporting has increased because we have somebody to carry
                       the report, yeah.[64]

The confusion over what is meant by speaking about *increased violence* versus
increased reporting is obvious here. So too is the conflation of these the two issues in
these contexts, inadvertently or otherwise. This was also evidenced by a number of
interview respondents in Liberia, such as one who noted that "violence is still on the
increase, because before people were not used to reporting, but people are reporting
the rape cases now."[65]
   In Northern Ireland, the lack of clarity between increased violence and increased
reporting was also raised:

RESPONDENT: Well, there is an increase in domestic violence, but, you know,
                       what can we put that down to? Was there an increase in these
                       areas that now can come forward, is it about partners [social

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[63]   Interview C_19.   [64]   Interview B_14.   [65]   Interview B_12.

> services] coming out ... is it because we have a better service, is it because we have a better police service who are not, who are very much in a coordinated inter-agency approach, it's hard to put ... but there is an increase in domestic violence.

INTERVIEWER: Do you think there is an increase in prevalence as opposed to an increase in reporting?

RESPONDENT: I think there's both. I think the problems that we have were always there, I just think there is reporting, there's media, there's everything else, you know ... I think you just didn't have reporting, you didn't have the mechanisms ... I don't think it's any more dangerous I just think that it's all being talked about now ... I think there is an increase in reporting.[66]

Respondents also differed in the timeframes they were comparing. Some referenced increases when comparing violence that occurred before and after the conflict; others compared the post-conflict violence with what happened during the conflict, noting that some of the egregious abuses that women experienced during the conflict were not being reported now, indicating changes between during-conflict and post-conflict forms of violence.[67] Lack of clarity over whether the debate in their country referred to increased violence or increased reporting was also evident. While most respondents could ultimately easily distinguish between the two, they continued to use a lexicon that portrays a picture of *increasing violence*. One interview respondent in Liberia commented on the confusion about what the term "increases" meant:

> I think what people are actually saying is ... that reporting of violence against women has increased and so while the issue of violence against women is still there, it is still high, but compared to before the war years, and even during the war years, it has dropped. What is happening now is that it is being reported more.[68]

Some clarity was also evident in the views of police officers in Liberia and Timor-Leste who were interviewed for this research. These respondents felt that there are increasing numbers of people coming forward to report violence as a result of awareness-raising campaigns.[69] In the context of overall crime trends, international/UN police officers in Timor-Leste noted that they did not see and did not expect to see gendered violence increase, and, as a result, it would be untrue to say that violence was increasing.[70] International/UN police officers in Timor-Leste also felt that the reported crime rates per capita were not very high when compared to Europe, and that, overall, Timor-Leste had

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[66] Interview A_2. [67] Interview B_2. [68] Interview B_16.
[69] Interview B_14; Field Notes_C_Policing Timor-Leste. [70] Field Notes_C_Policing Timor-Leste.

low crime levels.[71] Even when factors such as the lack of infrastructure and communications facilities are taken into account, Timor-Leste has far fewer recorded incidents of abuse in comparison to Northern Ireland, a region with a similar-sized population.[72] The police officers did note, however, that every "serious case" in Timor-Leste becomes escalated in the public eye through high-profile reporting in the media and the involvement of a multitude of agencies who want to be seen to be taking action. As a result, it can appear as if there is a high level of serious cases of violence in the country.[73] A study on violence against women in Timor-Leste in 2005 noted that international organizations often used a statistic – that domestic violence constituted 45–50 percent of all reports to police[74] – to "otherize" the violence in Timor-Leste as being extreme, without realizing that similar trends exist in other (including Western) countries.[75]

From all of these examples, a discourse is observable that circulates and perpetuates a story of increasing and alarming levels of violence against women. Any incident of violence is alarming. However, the difference between what violence is thought to look like and the actual prevalence of violence requires further consideration for the purposes of theory, policy, and practice. It is striking that, in each site, many respondents referred to an almost inherent or assumed link between the violence women experienced after conflict and the violence to which women were subject during the conflict, but they were not clear about what the connection may or may not be. There was also some lack of clarity in the difference between reporting and violence rates. Service providers described violence as increasing, conflating increases in violence and increases in reporting without deliberately differentiating between the two, but they seemed, for the most part, to understand the difference when questioned. If there is increased reporting of violence, yet the discourse in each site says that there is increased violence, why is this so? What are the factors that could influence more reporting? What are the factors that may prompt the perception of increased violence? And what might that imply for how violence against women is understood and addressed through transition? These are the questions I grapple with in the next section.

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[71] Field Notes_C_Policing Timor-Leste.
[72] The population of Northern Ireland in 2009 was estimated at 1.789 million (taken from Northern Ireland Statistics and Research Agency: www.nisra.gov.uk/publications/default.asp10.htm, accessed April 29, 2011); Highlights of the 2010 census in Timor-Leste estimated the population at 1,066,409: 2010: Government of the Democratic Republic of Timor-Leste, Highlights of the *2010 Census Main Results in Timor-Leste* (Dili, Ministry of Finance, United Nations Population Fund, 2010).
[73] Field Notes_C_Policing Timor-Leste.
[74] UNIFEM, Gender Profile of the Conflict in Timor-Leste, United Nations Development Fund for Women (UNIFEM, 2005), p. 7.
[75] UNFPA, Gender-Based Violence in Timor-Leste: A Case Study, United Nations Population Fund (UNFPA, 2005).

THE RELATIONSHIP BETWEEN THE PREVALENCE
OF VIOLENCE, REPORTING, AND THE LABELING
VIOLENCE IN POST-CONFLICT CONTEXTS

Worldwide, violence against women is primarily understood to be a normative aspect of human society and behavior – not something that "happens," but just a "way of the world."[76] It is so pervasive that we don't see how it colors women's daily lives – in the ways that women routinely plan their route home at night, in the ways that they portend to dress, in the ways that they unconsciously plan to be safe in their relationships. When there is an attempt to upend this understanding, a critical part of the process is to name it as something else, something that is not acceptable, so that it can become categorized as such. "In order to be able to speak about something one must be able to name and define it."[77] Here I first explore the significance of changes to how violence is named and understood after the conflicts in Liberia, Northern Ireland, and Timor-Leste, prompting a "labeling" process post-conflict. This is then followed by a consideration of the relationship between labeling, reporting, and estimates of prevalence of gendered violence.

Labeling Post-Conflict Gendered Violence

Law is a primary site of naming and re-categorization. Law and its related policy processes inform and work as a discourse to name and determine political and social understandings of violence. Socio-political processes, such as successive government priorities, also play a role and over time will undulate in whether and how the oppression of women is deemed sufficiently political for legal action.[78] Issues such as violence against women are therefore subject to legal, political, and socio-cultural definitions that will inevitably determine what the experience of violence may, in official terms, mean for women in different social contexts. There is a debate within research circles on how to define violence against women and the impacts of definitions on both the understanding of that violence and the reporting of it.[79] There is often a normative as well as a practical gap between victim/survivors' association of actual harms and those categorized by law and policy as violence, crime, and violation. This is reinforced by social norm processes that normalize

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[76]   Urban Walker, "Gender and Violence in Focus: A Background for Gender Justice in Reparations," p. 27.

[77]   Liz Kelly and Jill Radford, "'Nothing Really Happened': The Invalidation of Women's Experiences of Sexual Violence." In *Women, Violence and Male Power: Feminist Activism, Research and Practice*. Edited by Marianne Hester, Liz Kelly, and Jill Radford (Buckingham and Philadelphia, Open University Press, 1996), p. 20.

[78]   Charlotte Bunch, "Transforming Human Rights from a Feminist Perspective." In *Women's Rights, Human Rights: International Feminist Perspectives*, edited by Julie Peters and Andrea Wolper (New York: Routledge, 1995), p. 14; Alice Edwards, *Violence Against Women Under International Human Rights Law* (New York: Cambridge University Press, 2011), p. 66.

[79]   United Nations Security Council Resolution 1820, S/RES/1820 (2008).

gendered violence, blame victims/survivors, and uphold the idea of "serious" versus non-serious harm. In the aforementioned debate, there is a consensus that "unless women clearly label hurtful behaviors as 'criminal' in their minds, they tend not to report them on a survey of criminal behavior."[80] How violence is defined legally, politically, and socially will determine how it is understood, and, ultimately, whether and how women come to understand their experience of it in respect to reporting it themselves.

As an overarching legal discourse, international law and politics have, in recent times, facilitated a reinterpretation of gendered violence along these lines. Chapter 2 described how defining this violence as a "gender-based" abuse in the 1990s marked a turning point through which the violence women experience became redefined and legitimized within international rights frameworks.[81] Recognition of the sexualized violence that took place during the Balkan wars, the subsequent statutes developed for the ad hoc UN-sponsored international criminal tribunals (ICTY and ICTR) and the permanent ICC, and the subsequent jurisprudence, all have been key in determining that these constitute international war crimes, crimes against humanity, and genocide.[82] The repositioning of women's sexual abuse in conflict as a crisis in need of urgent attention over the last decade has resulted in an explosion of international normative legal and policy responses.[83] The UN Security Council's WPS resolutions have come to frame an international response now employed by multiple international organizations.[84] International law has played a significant role in the development of an international and collective discourse that has labeled violence against women in a particular way. The adoption of the term "gender-based violence" (GBV) within humanitarian and

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[80]   Walter S. DeKeseredy and Martin D. Schwartz (2011). "Theoretical and Definitional Issues in Violence Against Women." In *Sourcebook on Violence Against Women*. Edited by Claire M. Renzetti, Jeffrey L. Edleson, and Raquel Kennedy (Bergen: Sage, 2011), p. 4.

[81]   See: United Nations General Assembly (December 20, 1993). Resolution 48/104, *Declaration on the Elimination of Violence Against Women* (DEVAW), United Nations General Assembly.

[82]   Miranda Alison, "Wartime Sexual Violence: Women's Human Rights and Questions of Masculinity." *Review of International Studies* 33 (2007), pp. 75–90, 83; United Nations, "Rome Statute of the International Criminal Court," United Nations Treaty Series, vol. 2187, No. 38544 (United Nations, International Criminal Court, July 17, 1998); United Nations Security Council Resolution 827, Statute of the International Tribunal for the Former Yugoslavia, S/RES/827 (1994). United Nations Security Council Resolution 955, Statute of the International Tribunal for Rwanda, S/RES/955.

[83]   Dianne Otto, "Remapping Crisis Through a Feminist Lens," *University of Melbourne Legal Studies Research Paper No.* 527 (2011). Available at SSRN: http://ssrn.com/abstract=1762947, p. 22. These include the issuing of, to date, the five UN Security Council's resolutions on women's experiences of conflict and its associated violence noted in next footnote.

[84]   United Nations Security Council Resolution 1325, S/RES/1325 (2000); United Nations Security Council Resolution 1820, S/RES/1820 (2008); United Nations Security Council Resolution 1889, S/RES/1889(2009); United Nations Security Council Resolution 1888, S/RES/1888 (2009); United Nations Security Council Resolution 1960, S/RES/1960 (2010); United Nations Security Council Resolution 2106, S/RES/2106 (2013); United Nations Security Council Resolution 2122, S/RES/2122 (2013); United Nations Security Council Resolution 2242, S/RES/2242 (2015).

peacebuilding parlance and programming is particularly indicative of this. Acronyms "indicate solidification of knowledge about them, a stabilization of meaning,"[85] so that both national and international organizations increasingly employ a language and policy framework that applies specific meaning derived from this term.[86]

The effects of "justice norm cascades" have been explored by scholars interested in the impacts of international legal norms on domestic jurisdictions.[87] If "norms cascades are collections of norm-affirming events,"[88] then international legal and policy frameworks that now define and capture GBV have a role to play in how these issues are framed domestically. The inclusion or exclusion of language or of particular forms of harm, for example, within international treaties and soft law has a direct impact on what the post-conflict transition process comes to regard as the toolbox of international rights norms applicable domestically.[89] In a commentary on women's status in post-conflict Liberia, Veronica Fust noted that studies examining post-conflict contexts tend to omit the influence of international actors.[90] I concur and argue here that the evolution of normative frameworks on violence against women and their application to post-conflict settings by international and domestic actors is relevant to understanding the discourse as well as the perceived reality of post-conflict gendered violence.

In Timor-Leste and Liberia, for example, changes took place in the ways that violence was seen and understood after the conflict had ended. In Timor-Leste, this process was described as follows:

> When Timor gained its independence, the United Nations came and saw that there was violence that women were experiencing, outside of the violence associated with the conflict. The UN and international organizations began helping to address the problem of domestic violence, to prevent it. So, many campaigns appeared, and the women's movement and those who were human rights activists . . . everyone spoke about the need to address domestic violence.[91]

[85] Carol Harrington, *Politicisation of Sexual Violence: From Abolitionism to Peacekeeping*. Surrey (Burlington: Ashgate Publishing, 2010), p. 5.

[86] The term "gender based violence" is now evident in diverse a range of organizations at local grass roots levels. For example, in the range of organizations now members of the "GBV Prevention Network" based in Uganda (http://preventgbvafrica.org/member-directory/); and is evident as a central policy approach in international organizations and networks, for example in the Irish Joint Consortium on Gender Based Violence (www.gbv.ie).

[87] Ellen Lutz and Kathryn Sikkink, "The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America." *Chicago Journal of International Law* 2 (2001), pp. 1–33; Kathryn Sikkink and Carrie Booth Walling (March 27, 2006). Errors about Trials: The Emergence and Impact of the Justice Cascade. *Princeton International Relations Faculty Colloquium*.

[88] Lutz and Sikkink, "The Justice Cascade," p. 4.

[89] For more on Liberia, see Aisling Swaine, "Practicing Women, Peace and Security in Post-Conflict Reconstruction." In *International Law and Post-Conflict Reconstruction Policy*, edited by Matthew Saul and James Sweeney (New York: Routledge, 2015).

[90] Veronika Fuest, "'This is the Time to Get in Front': Changing Roles and Opportunities for Women in Liberia." *African Affairs* 107(427) (2008), pp. 201–24, 218.

[91] Interview C_12.

While a strong women's movement worked ardently on women's rights during the conflict in Timor-Leste,[92] the role that international organizations played thereafter is notable. Similarly, in Liberia, international humanitarian organizations arrived at refugee and IDP camps and "they brought in the terminology, even the child knows 'GBV,' 'GBV.'"[93] The international package of terminology and post-conflict programming brings with it the international normative rights framework. The contemporaneous "transnational relevance"[94] of human rights on a global level imparts a new lens through which attention to violence against women after conflict in both of these contexts may be viewed.

The "human rights framework does not displace other frameworks but adds a new dimension to the way individuals think about problems."[95] This new dimension introduced a new way of conceptualizing the violence experienced by women and became a key factor in prompting women to seek redress. In Timor-Leste, one service provider noted that,

> After the conflict, violence continued . . . but people did not speak out about it. After the establishment of women's organizations, after the appearance of human rights and organizations that worked on human rights and especially after women's organizations began socialization programs about women's rights, then many cases of violence began to appear and were brought to women's organizations, to the police.[96]

The "arrival" of "rights" in Timor-Leste meant that the current attention to violence against women is effectively viewed in comparison to a pre- and during-conflict period in which rights were not perceived to have existed:

> The big problem was that no-one knew what human rights were . . . I think it was only when Timor gained its independence that we realized that women had rights, that men had rights, that children had rights . . . Now, people always speak out "he committed violence, he did this. . ." I think there have been these changes.[97]

To state that people had no rights, in this context, means that the concept of individual rights was not a feature of the legal, social, cultural, and political paradigms in which violence was understood. It may be that prior to the arrival of a rights discourse, "there was no discourse available . . . within which women could have revealed their experiences while preserving their dignity."[98]

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[92] Irene Cristalis and Catherine Scott, *Independent Women: The Story of Women's Activism in East Timor* (London: Catholic Institute for International Relations, 2005).

[93] Interview B_13.

[94] Paul Stenner, "Subjective Dimensions of Human Rights: What Do Ordinary People Understand by 'Human Rights'?" *The International Journal of Human Rights* 1 (2010), pp. 1–19, 1.

[95] Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago and London: University of Chicago Press, 2006), p. 180.

[96] Interview C_1.   [97] Interview C_3.

[98] Ruth Seifert, "War and Rape: A Preliminary Analysis." In *The War Against Women in Bosni-Herzegovina*. Edited by A. Stiglmayer (Lincoln, London: University of Nebraska Press, 1994).

The discourse on women's experience of violence in Northern Ireland during the conflict predominantly focused on ordinary domestic violence in the home. This focus may have emerged from the need for divergent women's activists to find common ground on a non-conflict specific issue, despite the competing nationalisms of the conflict.[99] Service providers in Northern Ireland framed domestic violence in line with the international Euro-American women's movement,[100] thereby void of "an acknowledgement of the conflict."[101] It also pre-dates the contemporary adoption of international frameworks dealing with GBV. The term GBV has not, therefore, taken hold in Northern Ireland (because international organizations have not brought it in),[102] but the introduction of new definitions is evident in other ways.

The issue of gendered violence "didn't really emerge because … of the massive attention on the ongoing political violence."[103] During the conflict, policing and health services were noted to be primarily focused on incidents and outcomes of the "political terrorism," while "domestic terrorism was seen as something that was kind of minor and could wait."[104] A change occurred after the conflict, however, where,

> resources had to be reoriented … they needed to revise intelligence and pieces of equipment for domestic violence which had been unheard of … So they reoriented themselves to a violence that was always there but people thought it was new violence because you had new equipment starting to deal with it and being able to record, photograph it and video it in a way that they just never would have used that stuff before.[105]

With the cessation of conflict, resources such as policing were readjusted and ordinary violence became subject to increased attention. In the absence of political conflict, "domestic violence is seen as their bread and butter work … and now they also have legislation that they can work by."[106] Domestic violence was captured under specific legislation in 1998, following the signing of the peace agreement and the end of the conflict.[107] Responding to domestic violence has become a policing priority within Northern Ireland and has become redefined and repositioned in police services within the hierarchy of violence. There is a utilitarian purpose underlying the shift in focus to domestic violence, as it helps ensure the police forces are funded and continue to exist. This shift is also an opportunity to enhance services and responses to domestic violence for women

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[99]   Assessment based on Interview A_12, Interview A_16, and Interview A_17.
[100] Interview A_16. This respondent felt that while the UN was not present in Northern Ireland, the EU was a big influence in terms of the progressive equality legislation emanating from Europe, third party involvement in the peace process and the provision of funding to women's movements under these. In this sense, she felt that Northern Ireland was not very different from Liberia or Timor-Leste.
[101] Interview A_12.   [102] Interview A_16.   [103] Interview A_17.   [104] Interview A_16.
[105] Interview A_16.   [106] Interview A_3.
[107] The Family Homes and Domestic Violence (Northern Ireland) Order 1998. 1998 No. 1071 (N.I. 6) (April 22, 1998).

and has opened up space for women to report abuse. As a result, there is increased visibility of sexualized violence as part of intimate partner/domestic violence in Northern Ireland. The new naming of sexualized violence was compared to the debate over whether there is increased violence or increased reporting, as "in recent years women have been more open about talking about their sexual violence and I think it's a bit like talking about the reporting – it's always been there and . . . women, disclose it more readily now."[108]

Some organizations in Northern Ireland have only recently begun to ask "the sexual violence question" when assessing women's experiences of violence in the home.[109] Asking the question means that answers are gathered. The act of naming sexualized violence and asking the question opens up space for women to speak about experiences of sexual assault within their domestic violence. This increased reporting does not necessarily signify a rising level of sexualized violence, just that the question is being asked and data is being gathered on those responses. It also affirms that the categories of "sexual" and "domestic" are not mutually exclusive, but rather are interrelated and interact.

Social and political changes also make a difference. For example, in Northern Ireland there are increasing numbers of elderly women reporting to shelter services who "in the past . . . would never have left relationships before."[110] Also, as noted in the previous chapter, community-level work in Northern Ireland has become the purview of male ex-paramilitary members. A new restorative justice program established in a Nationalist community at the time of the peace agreement was overwhelmed with reports of domestic violence and sexual abuse. The program provided an avenue for reporting that had not previously been there.[111]

In order for violent acts to become defined as a legal or rights issue, the rights concept itself needs to become part of "local legal consciousness."[112] The absorption of international standards of law and the cascade effect are most evident in the legal framing of violence and women's status that took place in all three settings. Timor-Leste ratified CEDAW four years after the end of its conflict,[113] and Liberia developed a National Action Plan for the implementation of UN Security Council Resolution 1325 (2000) six years after the end of its conflict.[114] Northern Ireland has gone through iterations of legislation on domestic violence, and the UK government reports to the UN human rights system on standards set out under its ratification of CEDAW. Law may be regarded as a

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[108]   Interview A_6.   [109]   Interview A_6.   [110]   Interview A_2.   [111]   Interview A_9.
[112]   Engle Merry, *Human Rights and Gender Violence*, p. 179.
[113]   Timor-Leste in fact ratified all seven human rights treaties in 2004, four years after the end of the conflict, two years after full independence. For details, see: Annemarie Devereux and Catherine Anderson (2007). "Reporting Under International Human Rights Treaties: Perspectives from Timor Leste's Experience of the Reformed Process." *Human Rights Law Review* 8(1): 69–104.
[114]   Government of Liberia, *The Liberia National Action Plan for the Implementation of United Nations Resolution 1325* (Ministry of Gender and Development, 2008).

"product of society . . . responsive to political and cultural forces,"[115] and the need to bring about changes in law to accompany social change cannot be overemphasized.[116] In Timor-Leste, the new rights parlance brought in by international organizations stimulated much debate on the "problem" of domestic violence and the need to define it as a "public crime" under a specific domestic violence law.[117] The law on domestic violence was passed in 2010, preceded by significant consultation, awareness-raising, and education messaging accompanying the development of the law over a ten-year period.[118] In Liberia, the penal code was amended in 2006 to specifically criminalize rape and gang rape, which was advocated for by activists because of the prevalence of sexualized violence that the country had experienced during the conflict.[119] In Northern Ireland, once the conflict had ended, policing and health resources could be redirected toward "ordinary" crime, establishing a norm of understanding and response to this issue. In all settings, significant and specific frameworks and response services were put in place post-conflict. In Timor-Leste and Liberia, this also implied a new language of GBV – a phraseology that is both ubiquitously audible and visible in legal discourse, the everyday public lexicon, and the media.

As noted in Chapter 2, Aili Mari Tripp has documented a range of factors that "explains why countries coming out of conflict have been more attentive to GBV than non-post-conflict countries."[120] These include "changing international norms and practices,"[121] which affect the local. The "transnational growing concern" has, in turn, heightened attention to issues such as violence against women since the 1990s.[122] The post-conflict transition is a window of opportunity for political, legal, and social change to take place. Tripp has documented that, by 2010, eleven out of thirteen post-conflict countries had adopted legislation on violence against women, significantly changing the understanding of this violence and the availability of response services and reporting outlets.[123]

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[115]   Martha Albertson Fineman, *The Neutered Mother, The Sexual Family and Other Twentieth Century Tragedies* (New York: Routledge, 1995), p. 25.
[116]   Ibid., p. 17.   [117]   Based on the author's own experience with the process.
[118]   Law Against Domestic Violence. *Law no.7/2010.* Government of Timor-Leste (July 7, 2010).
[119]   Ministry of Foreign Affairs, Liberia. *An Act to Amend the New Penal Code, Chapter 14, Sections 14.70 and 14.71 and to Provide for Gang Rape.* Monrovia, Ministry of Foreign Affairs, Approved December 29, 2005, promulgated January 17, 2006. See the following information by the Association of Female Lawyers of Liberia who drafted and advocated for the law: Lois Bruthus, "Zero Tolerance for Liberian Rapists," *Forced Migration Review,* 27 (2007), p. 35.
[120]   Tripp, "Legislating Gender-Based Violence in Post-Conflict Africa," p. 13.   [121]   Ibid., p. 13.
[122]   Rashida Manjoo (April 23, 2010). Report of the Special Rapporteur on Violence Against Women, its Causes and Consequence, Rashida Manjoo, A/HRC/14/22, UN Human Rights Council, p. 10. See, for example: The Nairobi Declaration on Women's and Girls Right to a Remedy and Reparation (2007).
[123]   Tripp, "Legislating Gender-Based Violence in Post-Conflict Africa," pp. 9–11.

Knowing one's legal rights makes a difference in how violence is perceived and responded to. One interview respondent in Liberia noted that knowledge of rights leads to talking about where and when rights are violated:

> With the awareness that people are getting ... there is more people reporting because if people don't know their rights they will never talk about it ... But with the awareness that is going across, you see women coming up to complain ... women are going to the police to report ... So you see that there is an increase.[124]

Respondents to this research drew comparisons between the post-conflict context on the one hand, and the pre- and during-conflict contexts on the other, with regard to the ways in which violence against women was addressed and understood. Before the conflict in Timor-Leste, "[w]omen were silent. She could experience violence, but was not aware that it was something that she should be speaking out about."[125] In Liberia "before the war violence against women was not treated as such. . . it would not get reported."[126] Similarly, in Liberia, "because the awareness was not there they didn't really think it to be *harm*. But instead it was tradition. But now being that the awareness is there, they have seen instead that it was harm."[127]

"If one suppresses and silences [the experience of violence], it means that in a cultural context, women's experience and therefore women's subjectivity is being extinguished."[128] Bringing women's subjectivity to the fore through the distinct legal, political, and social reframing of violence redefines the meaning of this violence. It also introduces a new discourse in which it may be situated. In effect, in the contemporary post-conflict contexts examined in this study, the adoption and absorption of international legal norms, and the development of domestic law and policy, has led to a process of *labeling and/or relabeling* violence experienced by women.

Pausing to draw from my pre-, during-, and post-conflict framework of the previous chapter, we can see that violence is perceived and understood differently across each phase according to how it is labeled and defined. For all three sites, violence against women before conflict was not framed as "violence," a crime, or a rights violation. Rather, incidents and cycles of abuse that are now named as domestic violence were once a "natural" part of many marital relationships. During conflict, some forms of violence become labeled as "conflict-related" through international law regimes, and, if subject to international prosecution, may be defined as a war crime, crime against humanity, or genocide.[129] With the introduction of international norms in Liberia and Timor-Leste, and the increased opportunity for

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[124]   Interview B_13.   [125]   Interview C_17.   [126]   Interview B_16.   [127]   Interview B_13.
[128]   Seifert, "War and Rape: A Preliminary Analysis," p. 66.
[129]   For an overview of relevant judgments to this effect, see: United Nations, Review of The Sexual Violence Elements of the Judgments of the International Criminal Tribunal for the Former Yugoslavia, The International Criminal Tribunal for Rwanda, and The Special Court for Sierra Leone in the Light of Security Council Resolution 1820 (New York: United Nations Department of Peacekeeping Operations, 2010).

regulation with the cessation of the conflict in Northern Ireland, gendered violence became repositioned as a rights and public policy issue of priority to public systems post-conflict.

Approaches taken to understanding gendered violence during and after conflict play a significant role in how that violence comes to be understood. These post-conflict contexts, specifically Liberia and Timor-Leste, experienced a rapid and prolific relabeling process. The conflicts in both of these contexts effectively cut these sites off from the international norms cascades of the 1990s, on account of the breakdown of the rule of law, the inability for normal services to function, and so on. For Northern Ireland, the Western European mantle on domestic violence was adopted but given little room to expand due to the ongoing conflict and political pressures on state services. Since the end of conflict in all three sites, not only has space opened up to address these issues, but in the cases of Liberia and Timor-Leste, a very large international presence meant that the push for, and adoption of these norms has been rapid. For Northern Ireland, space has opened up since the cessation of the war for private violence to become visible, and for that early labeling of violence to prompt enhanced data-collection techniques and response services. New forms of violence become visible and relevant to post-conflict discourses. An issue that was not defined socially and politically as violence prior to those conflicts has now suddenly been relabeled and redefined as such.

These developments have been significant in all three contexts. In Liberia and Timor-Leste, however, they have been accompanied by a "panic" as such, about the existing or perceived levels of violence against women. The intense visibility of the issue on posters and public service announcements in both these contexts reflects this dynamic and means that not only has violence been reconceptualized, but ordinary men and women are now being *told* that this violence is wrong.[130] This hyper-discourse and alarm may or may not reflect reality. Those working on the issue are redefining violence in accordance with international definitions; this is certainly what the data-collection services are trying to do. There appears to be little by way of acknowledgement of the gaps between the lexicon of increased violence and the perceptions of the data that shows growing numbers of reported violence; however this clearly represents a acknowledgment of the gap between the perception that violence is increasing and a reality that many service providers actually understand this to be increased reporting. It may be that the rhetoric of increased violence is what is required in order to secure an appropriate response from state service providers.

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[130]   For example, posters in Liberia depict cartoon images of women with conversation bubbles that say *"Don't touch ma body"* as a rebuke to the sexual advances of a male character; and another where a woman is depicted as saying *"My friend take your hands off me"*; Others depict graphic rape scenes with a red cross through them with the message not to commit rape. Timor-Leste has images of domestic violence and more Western stylized UN products which relay messages about reporting domestic violence.

The rhetoric of "increased violence" is more effective in justifying the need for domestic legal responses and services and for attention to the issue by donors.

This rhetoric does not, and should not, detract from the experience of violence in and of itself prior to, and outside of, it being labeled a rights violation. I stress the need to acknowledge the pain experienced by victims/survivors that is always felt and identifiable, regardless of how the act of harm is officially framed or personally understood. The importance of labeling is that it helps to define an incident as "lying outside the normal."[131] It is simply that "human rights ideas . . . offer a radical break from the view that violence is natural and inevitable in intimate relations between men and women."[132] New labels, or a process of relabeling existing harms as something else, "provide social definitions, make visible what is invisible, define as unacceptable what was acceptable"[133] and make it possible to name, understand, and give voice to it. This process is about "getting women to realize that they have been through something that isn't normal, because a lot of them don't even realize."[134]

Labeling, Reporting, and Prevalence of Violence – What are the Linkages?

A process of labeling the harms experienced by women has taken place in the transition from during-conflict to post-conflict in each site. Labels matter. They inform how violence is seen and understood. Of interest to my analysis are the linkages drawn between this process of labeling violence, *the increased reporting* of violence, and claims of *increased prevalence* of violence by those determining the parlance of post-conflict gendered violence in each context. A range of factors that drive labeling are set out here to further explore the relevance of labeling to understanding post-conflict gendered violence.

First, there appears to be a connection between the forms of violence categorized as during-conflict violence and the violence that receives attention post-conflict. In all three sites, there is an assumption that the conflict's gendered violence has led to high levels of the same gendered violence post-conflict. In Liberia, for example, the current period's violence appears to be assessed solely through the lens of what is thought to have occurred during the conflict. The label attached to violence during conflict may carry over to inform how it becomes labeled post-conflict. The inordinate focus on sexualized violence during conflict that I previously noted may preclude a contextually informed determination of what constitutes the violence of concern post-conflict. Chapter 2 highlighted that mass rape in war is not a new phenomenon, but reporting and awareness of it is.[135] It has been noted that labels

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[131]   Liz Kelly, *Surviving Sexual Violence* (Minneapolis: University of Minnesota, 1998), p. 140.
[132]   Engle Merry, *Human Rights and Gender Violence*, p. 180.
[133]   Kelly, *Surviving Sexual Violence*, p. 139.   [134]   Interview A_1.
[135]   Claudia Card, "Rape as a Weapon of War," *Hypatia* 11(4) (1996), pp. 5–18, 5.

such as "rape" can become a "powerful political word" in sites such as post-genocide Rwanda, where this term and concept was "circulated actively and often graphically in newspaper reports, radio broadcasts and social debate."[136] In her work assessing the visibility of sexual violence in the Rwanda Tribunals, Doris Buss notes the "hyper-visibility" of sexual violence in these contexts.[137] This hyper-visibility may carry over and become applied to post-conflict violence as a result of the hyper-discourse about during-conflict violence.

While Liberia has as a result adopted laws against rape, there has not been equal attention and policy development with regard to domestic violence. The lack of attention to domestic violence as a result of the hyper-visibility of sexualized violence is a critical factor to consider. It reveals how the labeling process has the potential to obscure attention from one form of violence by focusing on another. In Liberia, the attention to sexual abuse has resulted in what may be an over-emphasis on rape, to the effect that women's organizations observe: "sometimes we look at rape, rape, rape and over-see the whole thing, we talked about rape, rape, rape but … there is a lot of domestic violence that is going on but right now, the crime is rape."[138] The crime is indeed rape – Liberia passed a "rape law" that was developed largely in response to, and that is seen in the context of, the sexualized violence that women experienced during the conflict.[139] One NGO described how "over the period of our years of work here was mostly rape, people were not reporting domestic violence cases." However, when they developed specific tools and methodologies to work with communities on domestic violence, "we started to get more domestic violence cases than rape cases. So, the story changed around … it was because of the tool that we were using."[140]

Service providers in Liberia described domestic violence as an urgent and pressing concern for women.[141] Recent research in Liberia has also found that "rape is almost certainly far less widespread than other forms of violence against women, such as domestic abuse, and that tackling rape is only the start of the battle for women's rights."[142] "The public nature of the violence against women during the war made it possible for many Liberians to begin to speak openly about it" – which may also mean that only this form of abuse gets public attention after conflict.[143] There is a sharp contrast between the hyper-focus on sexualized violence and the

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136   Chiseche Mibenge, "Gender and Ethnicity in Rwanda: On Legal Remedies for Victims of Wartime Sexual Violence." In *Gender, Violent Conflict and Development*, edited by Dubravaka Zarkov (New Delhi: Zubaan Books, 2008), at p. 147.
137   Doris Buss, "Rethinking 'Rape as a Weapon of War'." *Feminist Legal Studies* 17 (2009), pp. 145–63, 153.
138   Interview B_10.   139   Bruthus, "Zero Tolerance for Liberian Rapists."   140   Interview B_7.
141   Interview B_18.
142   Christopher Herwig, UNMIL: International Engagement in Addressing Violence Against Women (Action Aid, 2007), p. 5.
143   Shana Swiss, Peggy J. Jennings, Gladys V. Aryee, Grace H. Brown, Ruth M. Jappah-Samukai, Mary S. Kamara, Rosanna D. H. Schaack, and Rojatu. S. Turay-Kanneh, "Violence Against Women During the Liberian Civil Conflict," *Journal of American Medical Association* 279(8) (1998), pp. 625–29, 626.

adoption of specific legislation, and a lack of attention to broader forms of violence with correlated gaps in legislation and policy. As noted by violence researchers,

> if we limit our operational definitions of intimate male-to-female violence to the limited realm of criminal law and acts that people perceive to be covered there, then we will uncover relatively less intimate violence against women. If we use broader definitions of conflict and violence, the amount of violence uncovered is many times higher.[144]

The prevalence and serious nature of domestic violence in post-conflict Liberia may simply not be known, because it has not received the same amount of legislative response and public campaigning as has the issue of rape. Feminist scholarship has noted how law focuses on the public acts, often ignoring the private,[145] and risks essentializing women as sexual objects of sexual vulnerability.[146] There is little evidence that the law is responsive to the fluctuations in violence identified in the previous chapters, thereby missing a whole range of violence that women may identify after conflict.

Similarly, in Timor-Leste there was a strong response in terms of legislation, service provision, and awareness-raising on domestic violence compared to a lesser discourse on rape and sexualized violence. Domestic violence is, therefore, much more visible as a public criminal, policy, and social issue. In the Timor-Leste context, the Indonesian regime had left the territory and, as such, it was acceptable to think that the "conflict violence" was gone. Instead, focus shifted to violence in the home, which post-conflict reform processes have determined to be the critical gendered violence needing attention. Some women's organizations are, however, criticized for neglecting (what some would consider) a pressing need to campaign for accountability for the sexualized violence committed during the conflict. This violence is occluded in favor of the issue for which international donors are funding, i.e. domestic violence.[147] A discourse that links violence to conflict, or depicts increases in violence, serves a purpose and may be used to push for specific, self-interested policies.[148]

The absence of a discourse of "conflict" in any sense in Northern Ireland, or of CRVAW akin to that in Liberia and Timor-Leste, means that there was little identification of gendered conflict-related violence in the post-conflict context. The exclusion of women's experiences of gendered violence from the human rights rhetoric used by activists in their political campaigning on the conflict in Northern Ireland is also worth noting.[149] Domestic or other forms of violence in the

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[144]   DeKeseredy et al., "Theoretical and Definitional Issues in Violence Against Women," p. 5.
[145]   Fionnuala Ní Aoláin, "Exploring a Feminist Theory of Harm in the Context of Conflicted and Post Conflict Societies." *Queen's Law Journal* 35(2009), pp. 219–44, 241–42.
[146]   Ibid., pp. 240–41.   [147]   Interview C_15.
[148]   Alison Brysk, "The Politics of Measurement: The Contested Count of the Disappeared in Argentina." *Human Rights Quarterly* 16(1994), pp. 676–92, 678.
[149]   Following the passing of the 1998 Human Rights Act, the European convention on Human Rights was adopted into UK domestic law. Ronagh McQuigg notes that decisions by the European Court on

post-conflict context has not been linked to the conflict at all by government actors, as evidenced by the absence of language on conflict-related gendered violence or the application of instruments such as Resolution 1325 (2000) within the government's policy and programming. The post-conflict discourse on violence against women remains locked into this paradigm so that the issue of ordinary domestic violence discussed during the conflict remains the predominant discourse after the conflict. It is only since 2010 that women's organizations have started to point a spotlight on the conflict's gendered harms. In 2015, an outside human rights organization began asking questions and researching whether sexualized violence, of the kind associated with conflicts worldwide, was actually a feature of the Northern Ireland conflict.[150]

Second, *the labeling of violence within data collection makes (certain forms of) violence visible*. Statistical data collection on violence either improved (Northern Ireland) or was created in the aftermath of conflict (Timor-Leste and Liberia). Measuring "something – or at least to claim to do so – is to announce its existence and signal its importance and policy relevance."[151] In Liberia, statistics on sexualized violence, but not domestic violence, are available through outlets such as policing. This impacts what comes to be known about gendered violence in the post-conflict context. In addition, the absence of data on gendered violence before the conflict must be considered. The lack of data on labeled forms of violence against women prior to each conflict means that, in the post-conflict era, the prevalence of violence holds no place in "cultural memory."[152] When any data on this issue becomes known after conflict, it will be assessed relative to what was known before. A discourse easily evolves in which current gendered violence is "new," is related to the conflict (because it was first named as a harm during the conflict), and is increasing (because we are hearing so much about it now).

Research in a similar vein by Geoffrey Dancy is instructive in this respect. He highlights that the increased reporting procedures under international treaty law have resulted in increased knowledge and data about the human rights record of those countries which are actively reporting under treaty requirements – rather than this data representing the "worst abuses" by these particular countries. Dancy's work finds that, after conflict, it "is not necessarily that abusive behavior becomes more entrenched, but that, as a result of developing international legal

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Human Rights are relevant in considering that "Domestic violence is now clearly established as a human rights issue," and cites six cases in which the Court's judgments set out state parties' "positive obligations in this area." McQuigg, "The Victim Test Under the Human Rights Act 1998 and its Implication for Domestic Violence Cases." Also for reference: Human Rights Act (1998).

[150] Concept note for this study on file with author.

[151] Peter Andreas and Kelly. M. Greenhill, "Introduction: The Politics of Numbers." In *Sex, Drugs and Body Counts: The Politics of Numbers in Global Crime and Conflict*, edited by Peter Andreas and Kelly M. Greenhill (Ithaca, London: Cornell University Press, 2010), p. 1.

[152] Seifert, "War and Rape: A Preliminary Analysis," p. 69.

processes, we come to know more."[153] Dancy underlines the need to "question the certainty with which data-inspired theory-building has proceeded."[154]

I echo this concern and propose that the ways in which current international discourses entrench perceived certainty about increases in post-conflict gendered violence needs further inquiry. A more in-depth and nuanced assessment of the complexities of violence needs to undertaken in respect to the influence that international normative developments have within transitional contexts. The social value attributed to the measurement of violence after conflict must be contextualized in relation to both the absence of pre-conflict statistics and the socio-political and legislative changes that have taken place within each setting after conflict. Data processes serve to label violence in very specific ways, which come to inform what is known about violence more generally.

Third, *the labeling of violence leads to increased reporting of violence*. "Changing opportunity structures" that present post-conflict enabled different approaches to addressing gendered harm.[155] These include the development of the rule of law and the aforementioned legislation and policy pertaining to gendered violence, response services, programs addressing violence, the availability of funding from international donors, and the impact of broader advocacy on women's rights. MSF in Liberia found that 40 percent of those who reported to their clinics in 2009 did so as a result of the organization's awareness-raising, and 35 percent came through police referral.[156] In 2010, 55 percent came forward through the organization's awareness-raising and 28 percent came through police referral.[157] Clearly, MSF's outreach efforts to advertise its sexual assault services in communities, including public service announcements and information-sharing to those attending clinics for regular health services, made a difference in the reporting of those kinds of incidents. Once again, it is important to note that a focus on one form of violence through awareness-raising campaigns may result in that form of violence being more readily reported over other forms. Awareness of the availability of services is noted elsewhere, such as in Haiti, to have influenced increased reporting of violence by women.[158] The establishment of services for women who experience violence helps women to think of themselves as having human rights. At the same time, the human rights discourse at the international level creates space for these services to exist within state processes.[159] As violence becomes labeled and understood as

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[153] Geoff Dancy What, and How, Do We Know About International Human Rights Law? Research Note (2011: unpublished, copy with author), p. 3.

[154] Ibid., p. 40.   [155] Tripp, "Legislating Gender-Based Violence in Post-Conflict Africa," p. 13.

[156] MSF (2010). 2009 Sexual Violence Figures Médecins Sans Frontières – Belguim in Liberia, p. 4.

[157] MSF (2009). 2008 Sexual Violence Figures Médecins Sans Frontières – Belguim in Liberia, p. 4.

[158] Nadine Puechguirbal, W. Loutis, and N. Man, Haiti: The Gendered Pattern of Small-Arms Violence Against Women. In *Sexed Pistols: The Gendered Impacts of Small Arms and Light Weapons*, edited by V. Farr, H. Myrttinen, and A. Schnabel (Tokyo, New York, Paris: United Nations University Press, 2009), p. 131.

[159] Engle Merry, *Human Rights and Gender Violence*, p. 218.

something other than normative, the propensity to report violence and seek help increases (in this regard, there is the necessity to ensure that the creation of reporting and demand is met with sufficient service provision and those reporting are not exposed to danger or irresponsive services[160]). The provision of information and education on rights has been critical to ensuring that the labeling of violence is understood by all and reporting ensues. In Timor-Leste "[b]efore ... there was limited information, they did not know their rights. But now, you see that there is information available through newspapers, through radio, through television."[161] This has meant that in Timor-Leste "now there are many people making many complaints. You can see month by month that domestic violence is high. The statistics are high and we did some promotion and socialization work to communities and you can see that they are coming forward."[162] In Liberia, "more women are reporting now than before. It's because of the awareness that we have ... that violence against women is a crime, so women are coming out to report the cases."[163]

The act of labeling creates space for women to reassess their experience of violence and to act on it if they so desire. "Creating a context within which a woman feels she is able to report is a big thing."[164] Building awareness and a vocabulary around this issue helps to lift the sense of isolation some women feel in their experience of gendered abuses.[165] The impact of relabeling violence and creating a context in which women can report it has been seen to create change in attitudes and behaviors related to the tolerance of violence. Violence in the home is no longer being ignored by families and neighbors who are witnesses to it.[166] Even "children are walking to police station[s] ... to the neighbours and reporting violence against women."[167] This means that in both Liberia and Timor-Leste, "the reportage of violence against women is extremely high now so it looks like violence against women is high, as opposed to before."[168]

Fourth, *context-specific interpretation of labels may influence what violence is reported and becomes visible.* In Liberia and Timor-Leste, the high and increasing number of reported incidents of sexual abuse of minors is notable. It became apparent during my empirical research that the socio-cultural context and how abuse is defined influences propensity for reporting. For example, for some individuals and communities, there is a tension between the perceived vulnerability of adult women versus that of young girls. This can mean that in terms of social understanding and acceptance, "rape is only against a child, a small child."[169] The rape of children is viewed as more "serious" than that of women,[170] and more child

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[160] Aisling Swaine, "Effective Responses for Gender Based Violence," *Addressing GBV in Post-Conflict & Fragile States: A Case Study of Sierra Leone* (Dublin: Irish Joint Consortium on Gender Based Violence, 2011).

[161] Interview C_9.   [162] Interview C_16.   [163] Interview B_17.   [164] Interview A_4.
[165] Interview A_4.   [166] Interview B_6.   [167] Interview B_16.   [168] Interview B_16.
[169] Interview B_7.
[170] Peace A. Medie, "Fighting Gender-Based Violence: The Women's Movement and the Enforcement Of Rape Law In Liberia." *African Affairs*, 112 (2013), pp. 377–397, 381.

abuse is thus being reported.[171] This belief, prevalent across many socio-cultural contexts, has been identified as a factor preventing women from reporting.[172] It appears to be the case that "people report children more, but it is really happening to the women too. The women too can be sexually abused, most of the women don't want to be stigmatized so they cannot report."[173]

Service providers in Liberia felt that not all women were reporting the abuses they experienced and that there was a greater tendency to report abuse of children, who were more quickly assumed to be "innocent" and to require intervention to counter longer-term physical and social harm.[174] A similar phenomenon has been noted in other places, such as in Haiti, where it is considered easier to report a case of violence against a young girl who will be perceived to be innocent, rather than that of an adult woman who will be blamed for the attack.[175] This evidence also underlines a fact which many feminist scholars have identified: that rape is the only crime in which the (adult) victim must prove her innocence.[176] Even in a context such as Liberia, where rape has been labeled within legal frameworks, it may be "merely one normative construct competing with other, equally valid, options … and one of multiple discursive systems."[177]

As feminist scholars have also noted, labeling violence may be "only a first step in challenging existing ideas."[178] The notion of shame continues to influence how sexual abuse of both children and adults is dealt with. The "rape[s] of children are reported frequently because adults are ashamed to go."[179] In Liberia, there appears to be a distinct difference in the social value attributed to the sexual abuse of children compared to women. This is predicated on a child's assumed virginity, which discourages women from reporting their own experiences of abuse.[180] For adult women in Liberia, "rape" as a concept may simply not exist. Service providers explained that "people say: 'As old as you are, who would rape you, you already have four or five children, how can you say that you are raped, how is that possible?' So,

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171 Interview B_3.   172 Interview B_13.   173 Interview B_12.   174 Interviews B_8; B_10; B_11.
175 Nadine Puechguirbal, Wiza Loutis, and Natalie Man, Haiti: The Gendered Pattern of Small-Arms Violence Against Women, p. 121. Jennifer Green has found that in the United States 90,863 sexual assaults were reported to police in 2001; however, 240,980 rapes were recorded in a crime victimization survey in the same year. She cites reasons such as embarrassment linked with the assault, the need to relive painful experiences, and guilt as reason why women may not report worldwide: Jennifer L. Green. "Uncovering Collective Rape: A Comparative Study of Political Sexual Violence." *International Journal of Sociology* 34(1) (2004), pp. 104–5.
176 See, for example, a discussion on feminist engagement with the burden of proof and the defense of consent here: Katherine T. Bartlett, "Feminist Legal Methods," *Harvard Law Review* 103(4) (1990), pp. 829–88, 842.
177 Albertson Fineman, *The Neutered Mother, The Sexual Family and Other Twentieth Century Tragedies*, p. 16.
178 Jill Radford, Liz Kelly, and Marianne Hester, "Introduction." In *Women, Violence and Male Power: Feminist Activism, Research and Practice*, edited by Mariannce Hester, Liz Kelly, and Jill Radford (Buckingham, Philadelphia: Open University Press, 1996), p. 4.
179 Interview B_18.   180 Interview B_3.

people don't even believe the adult's story usually, they tend to be more sympathetic to child survivors than to adult survivors."[181]

Some respondents, however, felt that both the incidents of child abuse and the reporting had increased, even though there is still evidence of confusion between reporting and prevalence.[182] There are again context-specific nuances to consider. Respondents cited children's increased vulnerability because they are left home alone all day in shared accommodations while their parents are out trying to generate income;[183] the abuse of children by school teachers which was "very very common . . . in one of our counties we have over 25 girls pregnant by just school teachers";[184] and the ease in attaining children who "are less expensive, or . . . the children is the one that they can get easily to carry into their room and have them the way that they want to."[185] Documentation of child abuse demonstrates similar findings – that children are vulnerable to abuse everywhere, from their homes to schools to places of worship.[186]

Some interview respondents also noted the abuse of children as part of ritual violence in the post-conflict phase.[187] A 2011 study on the causality of gendered violence in post-conflict Liberia identified links between the targeting of children and ritualized practices noted in earlier parts of this book. Interview respondents in that study cited a belief that younger children's blood is pure and can bestow power and capital gain through ritual, prompting the rape of children.[188] Here we see recurring and connected causality of ritualized violence in the post-conflict context (see the appearance of ritualized violence during conflict in earlier chapters) that informed violence occurring before and during the conflict. What matters is whether the post-conflict dynamic is understood within the context of the wider practice of ritualized violence, or whether it is deemed to have a peculiar character because of Liberia's conflict history.

UNICEF has estimated that more than half of all rape reports in Liberia are of young girls,[189] and my interview respondents felt that at least 70 percent of the reports made to three clinics were regarding the abuse of children. There is no doubt that there are high levels of child abuse taking place in Liberia, and we must consider the longer-term effects of cycles of abuse, which have been documented as having specific intergenerational impact.[190] It is also clear that for a girl, "as she gets older, she is less likely to

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[181] Interview B_3.   [182] Interview B_1.   [183] Interview B_17.   [184] Interview B_17.

[185] Interview B_10.

[186] David Koch, *Protecting Girls and Women from Sexual Violence in Post-War Liberia* (Monrovia: UNICEF, 2008).

[187] Interview B_10.

[188] Government of the Republic of Liberia/United Nations Joint Programme on Sexual and Gender Based Violence, In-depth Study on Reasons for High Incidence of Sexual and Gender Based Violence in Liberia – Recommendations on Prevention and Response (UN, 2011), pp. 45–47.

[189] Stephen Lewis, "Peace is a Mere Illusion When Rape Continues. Remarks Delivered at the Wilton Park Conference: Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers?" (2008) Retrieved September 10, 2008, from www.pambazuka.org/en/category/comment/50445.

[190] Katherine Pears and Deborah M. Capaldi, "Intergenerational transmission of abuse: a two-generational prospective study of an at-risk sample," *Child Abuse and Neglect* 25(11) (2001), pp. 1439–61.

report."[191] The absence of a contextualized approach to assessing trends in reporting violence against children compared to women means that the picture of violence and the discourse inspiring it may be distorted.

Fifth, *the media plays a role in determining how and what violence, both during and after conflict, is labeled and made visible*. The issue of sexualized violence in conflict is now standard fare in media coverage[192] and is commonly known to the general public in ways that it never was before. The publicity this violence now receives may contribute to its increased visibility and its resulting recasting as a crisis.[193] The media may also begin reporting violence against women after conflict because it is now seen as a newsworthy story. One respondent in Northern Ireland described how during the conflict "you would never have seen a news report about domestic violence, it just wouldn't have happened."[194] While there may have been some references to this violence in the media, and certainly women's organizations drew attention to it, the lack of media attention will have relegated it in favor of the currency of the wider political violence. This may have enhanced the sense of isolation felt by women experiencing abuse and decreased their likelihood to take action.[195] After the peace agreement, however, one organization found that "for about five years non-stop we were doing at least one television interview a month, four or five radio interviews and one full-length documentary . . . it was almost like a saturation of it."[196] In the vacuum created by the conflict's end, the media space must be filled by another "crisis" or newly labeled critical issue. The aforementioned research report on crime trends in Northern Ireland notes that the media has taken a role in shaping the population's perception of crime rates and in creating a fear of crime disproportionate to actual levels.[197] The increased contemporary attention to the issue not only enables messaging to reach the public, but may also contribute to a further perception of the increased prevalence or relevance of the issue to a post-conflict society.

Finally, *conflict-time violence may appear in the rates of post-conflict violence, adding to prevalence rates*. At the time of my empirical research, service providers in Liberia found that women were reporting past, and not just immediate-interim, experiences of violence to health clinics. In Liberia, a clinic noted that, while they are few in number, women

> come to our service and it happened during the war . . . we ask them, how did you hear about us? So, most of them they say it's the awareness, so either the radio or we have a drama team also going all over Monrovia, even in our facilities talking about rape . . . So, lots of them they were in the clinic because they came for their children and then they heard about this and they followed the social worker afterwards. The

[191] Interview B_13.   [192] Buss, "Rethinking 'Rape as a Weapon of War'," p. 146.
[193] Otto, "Remapping Crisis Through a Feminist Lens," p. 22.   [194] Interview A_4.
[195] Interview A_4.   [196] Interview A_4.
[197] Northern Ireland Policing Board, *Research into Recent Crime Trends in Northern Ireland* (Belfast: Northern Ireland Policing Board, 2007), p. 6.

social worker actually says, the message is "even if it happens during the war, come . . ." They can still cry, they can still feel it . . . still flashbacks and not easy to tell the story even after a period of time. And, they want to get treatment. Now, as a psychologist, I can hear this "I want to get a treatment" . . . it's em, it means that, I still consider this as a kind of sickness that I am still carrying and time didn't heal it and . . . "I need the treatment" . . . and we provide this, but I told you it is only prevention, the rest will only be talking about it.[198]

The labeling of this violence by service providers, and awareness-raising on this newly labeled harm called "sexual violence" by governmental and non-governmental actors and service providers, has encouraged people to reassess the violence they experienced in the past. This prompts an understanding and affirmation of that past event as a violent act and makes coming forward for support acceptable. Some women in Liberia who experienced abuse during the conflict were now, at the time of this research (seven years post the end of the conflict), coming forward for assistance. These numbers are included in the statistics of recorded violence against women *after conflict*. These reports, therefore, are contributing to the post-conflict rape statistics even though this was not a rape that occurred in the post-conflict context.[199] In addition, an interview respondent noted, "I think that space creates that reflection that allows that to happen. I do think that people are reporting more, I think that's true."[200]

Another potentially important factor to consider is the time that is required to reflect on and become ready to report an experience. This is underlined by the Timor-Leste experience. During my research, some women were at that time, ten years after the conflict's end, indicating a readiness to now speak about their experiences of sexualized violence during the conflict.[201] But it is too late for many women, as the truth commission has completed its work, and despite civil society campaigns, much doubt hangs over whether there will ever be criminal accountability for the abuses that occurred during the conflict.[202]

This is also the case in Northern Ireland (see Chapter 4). As evidenced earlier, ten years after the peace agreement, in 2009, a number of newspaper reports have emerged through the testimony of women on abuses by paramilitary members. In 2010, a service provider published one of the first public papers about sexualized abuse and the conflict.[203] Additionally, in Timor-Leste, the stories of women who were captured by the Japanese during World War II only began to emerge into public knowledge in the post-Indonesian period, when the issue of sexualized violence began to gain public traction as described. Time may be required for the issue of violence against women to become publicly acknowledged for fear of armed

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[198]   Interview B_8.   [199]   This was clarified as being the case with the respondent in question.
[200]   Interview B_8.   [201]   Interview C_15.
[202]   Interview C_15; A civil society campaign, "Timor-Leste National Alliance for an International Tribunal" continues to advocate for international criminal justice for the Indonesian atrocities.
[203]   Andrea Murphy, An Argument for a Gender Focus in the Transitional Debate (Belfast: Relatives for Justice, 2010).

actors to dissipate, and for trust to develop in both transitional justice processes and in reformed and new governance institutions after conflict. Time is required for the actual and perceived legitimacy of these structures to be established, after which people may feel ready to approach them with sensitive and personal issues. Time also may be required for women, particularly those who are now heads of household, to return from displacement, to re-establish their lives, to generate livelihoods and ensure that they and their children and wider families are receiving the basic practical survival necessities. The need to secure basic needs will trump the desire to seek strategic and rights-based accountability for abuses – time is required for lives to recalibrate and for women to generate readiness to speak about their experiences. A combination of time, and the embedding of appropriate labels and meaning to violence, alongside building availability of and trust in services are key factors in encouraging women to come forward and speak about both past and current abuses.

THE POWER OF LABELING

Where and how do women position themselves in relation to the new discourse and visibility of violence that results from labeling? A changing understanding of ordinary violence, of the harms that were not harms before conflict, will present new dynamics of power in individual and community relations. In her theory of "shifting subjectivities," Sally Engle Merry notes that when violence becomes "defined as a human rights violation, gendered violence becomes a crime against the state that the state must punish."[204] This redefinition of violence may mean that women reposition themselves in relation to the state rather than the family.[205] Taking action to report violence may challenge a prevailing social order, particularly in cultures where women are strongly defined within paternalistic paradigms. A confused understanding of the opportunities (and consequences) this new discourse offers may result, particularly as "[p]ossibilities are contained by the contexts in which they arise."[206]

For example, in Timor-Leste, women who have begun reporting violence as a result of the new domestic violence law have been dismayed when, as a result, husbands were prosecuted and they were "abandoned" by their husbands once they were released from prison.[207] Some women may understand reporting as a means to simply stop the violence, without a specific intent for formal punishment such as imprisonment. The act of reporting in this context may not represent a desire to end the relationships from which they attain, and must retain, a subjective and systemic positioning as a "married woman" and the secure socio-cultural status and

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[204]   Engle Merry, *Human Rights and Gender Violence*, p. 180.   [205]   Ibid., p. 184.
[206]   Albertson Fineman, *The Neutered Mother, The Sexual Family and Other Twentieth Century Tragedies*, p. 14.
[207]   Interview C_18 and observations from field work and author's experience in-country.

socio-economic support that this importantly provides. In such contexts, a woman's decision to report is systemic rather than individualistic and contrasts sharply with universal notions of individual rights that underpin the new discourse labeling has brought about. The "liberal legal idea of the 'individual rights-bearer'... has been said to rest on an implicit notion of the physically *separate* ('autonomous') person,"[208] which, as a concept, may be completely at odds with local understandings of what violence is and how to deal with it. The difference between the potential of labeling and the way in which it is construed and adapted locally is significant. The power to label and the power to act on a new label represent a whole new dynamic within which "transnational cultural flows and their relationship to local cultural spaces must be further understood."[209]

In this respect, a number of feminist authors have questioned the transnational relevance of international norms.[210] It is often forgotten that the barrage of new labels and concepts confronts a pre-existing and comprehensive socio-cultural system that has its own way of understanding and dealing with these issues, even if those do not conform to international standards. The same dynamic is true for the interactions between international and domestic law. New international definitions, such as the broadened definition of rape that resulted from the ICTR *Akayesu* judgment,[211] or the idea that rape can exist in marriage (which is subject to controversial debate in Liberia),[212] may or may not be acceptable in domestic settings. In Timor-Leste, "[t]hese terms that people used created a lot of confusion... people understand "baku malu" (beating) ... they know these tetum words, but that legal terminology, they don't understand ... Only since we gained independence have we heard these different terms from the foreigners ... it creates confusion."[213]

The "new terms" are regarded as "UN terms," not Timorese terms. As described in the opening chapter, while I was conducting research in Timor-Leste in 2003, Timorese community leaders would describe how the United Nations had brought something called "domestic violence" to their country. In Liberia, men have been heard to say that "the white people bring their thing here ... we have been living our life before and now your people want to come to change our culture."[214]

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208 Joanne Conaghan, "Reassessing the Feminist Theoretical Project in Law." *Journal of Law and Society* 27(3) (2000), pp. 351–85, 36, citing Robin West, "The Difference in Women's Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory." In *At the Boundaries of Law: Feminism and Legal Theory*, edited by Martha Albertson Fineman and Nancy Sweet Thomadsen (New York: Routledge, 1991), p. 115.

209 Engle Merry, *Human Rights and Gender Violence*, p. 19.

210 Pamela Scully "Gender-Based Violence and Female Vulnerability: A Critical Reflection on Peacebuilding and Development in Post-Conflict Societies." *Journal of Peacebuilding and Society*: www.peacewomen.org/sites/default/files/hr-vaw_vulnerablewomenhrdiscoursesexualviolence_scully_2009_0.pdf; Engle Merry, *Human Rights and Gender Violence*; P. Scully, "Vulnerable Women: A Critical Reflection on Human Rights Discourse and Sexual Violence." *Emory International Law Review* 23(2009), pp. 113–24.

211 Prosecutor V. Akayesu. *Case No. ICTR 96-4-T*, ICTR.

212 Field Notes_Liberia (September 2, 1998).   213 Interview C_2.   214 Interview B_10.

Internationals are blamed for changing women's behavior while there is little examination of men's own actions.[215]

South Africa had a similar experience. Research found that men felt that there had been overwhelming attention to issues of gendered equality since the end of apartheid and that, as a result, the transition had disproportionately benefited women, who now had substantially more rights than before.[216] It also found that *only some women* may have benefited from the state's new legislative and normative standards.[217] This becomes evident when rural and urban settings are comparatively examined in terms of reporting outlets, response services, access to education, and other newly available resources that influence the extent to which some women gain access to, and benefit from, the labeling process.

It is questionable whether the terminology used actually means anything to those on the receiving end. In Liberia,

> you could ask a ten year old what is SEA [Sexual Exploitation and Abuse], and I don't know if they really understand what it stands for but they'll know the concept around it and they'll know what it is, and that's because there has been a huge flooding of information here with bizarre use of very project level speak.[218]

The "project-speak"[219] of international organizations carves out a new space for this violence to be seen and it comes to dominate the discourse on violence against women after conflict. In a context such as Liberia, where there are sixteen different languages in use,[220] where it is difficult or "rude" to use the word "sex,"[221] where "rape is not understood by everybody,"[222] and where there is no commonly understood word for rape,[223] the tension between international legal terminology and the need to create labels that bring about social and legal change with traction is evident. The introduction of human rights concepts and the resistance to social change that this creates often evokes arguments about the need to defend one's culture.[224] Who holds the power to determine what culture is and how it is defined should, of course, be questioned. "Those who have hegemony in a culture have the power to name

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[215]   Interview C_22.

[216]   Brandon Hamber. "We must be careful how we emancipate our women": Shifting masculinities in post-apartheid South Africa. *Re-Imagining Women's Security: a Comparative Study of South Africa, Northern Ireland and Lebanon Round Table; 12–13 October 2006*, United Nations University, New York, pp. 8–10.

[217]   Ibid., p. 10.   [218]   Interview B_13.

[219]   Here the respondents are referring to the parlance that is assumed by those involved in running international development programs. The terminology of international development is framed around the project cycle model, with the language of that work seeping into the day-to-day lexicon.

[220]   Interview B_1.

[221]   Interview B_18. Sex is referred to as "man and woman business" on many posters in the offices of some Liberian service providers.

[222]   Interview B_8.

[223]   Swiss, et al., "Violence Against Women During the Liberian Civil Conflict," p. 626.

[224]   Engle Merry, *Human Rights and Gender Violence*, pp. 6, 13.

things."[225] That violence is naturalized prior to (and even after) labeling has occurred is symbolic of the formal power and privileges extended to men to enforce and determine social norms.[226]

There are also limitations to the labeling process. As a result of the proliferation of the aforementioned international legal and policy instruments, a standard for defining gendered violence has emerged against which policy and practice interventions on the ground are measured. While the term "gender-based violence" encapsulates a wide range of named harms, it may not yet include violences that women may want to define for themselves. In both Liberia and Timor-Leste, interview respondents frequently mentioned a form of abuse they called "abandonment."[227] As one respondent put it, in Timor-Leste,

> we have cases of abandonment ... it is a form of domestic violence where the husband abandons the wife and goes and lives with another woman and has children with her. Others are among young people who develop relationships and then the boyfriend does not want to be associated with the woman when she has a child.[228]

The situation is similar in Liberia, where a man may "[d]eny his wife support" when he leaves to establish a new relationship. These kinds of experiences occur frequently in both contexts where the social flux during and following conflict has an impact on the social norms regulating interactions between men and women. After conflict, women's subjective positioning, as described before, may not have substantively changed. Yet attitudinal changes relating to sex and relationships may leave women who are dependent economically and for social standing on marital relationships, in more vulnerable positions.[229] Regardless of whether it may be defined as a criminal or a civil matter, Timorese and Liberian women perceive men's abandonment of women and children as a form of abuse, a violence which has disastrous impacts on women's health, wellbeing, and emotional, economic, and social status. In Liberia, a staff member of an international organization describes her debate with a representative of her organization's US headquarters regarding the need to address abandonment as follows:

> [The representative said,] "abandonment is not domestic violence, it's not GBV," and I said "No, it depends on the sense in which it is being used." I said that here [in Liberia] it is gender based violence because the woman depends on the man for

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[225] Seifert, "War and Rape: A Preliminary Analysis," p. 67.
[226] Albertson Fineman, *The Neutered Mother, The Sexual Family and Other Twentieth Century Tragedies*, p. 15.
[227] In Timor-Leste, one NGO dealt with 23 cases of abandonment in 2009, and in Liberia abandonment counted as the third most frequently reported violence after rape and domestic violence for the November 2009 to January 2010 period in nationally generated statistics.
[228] Interview C_19.   [229] Interview B_1, Interview B_10.

financial support. I mean it is division of labor, they are going to work and earn money but the woman stays at home and then clean up and cook and then take care of the children and everything so he is supposed to share with her but what they do is that after they have the children they leave their children without support, the mother is not prepared and then they walk away.[230]

"Abandonement" is not generally included in international definitions of "GBV". This example affirms that international labels may not translate universally across cultures. The practices and forms violence and abuse take, and the meaning applied to them, may differ. Enforcing uniformity may result in an impoverished understanding of what may constitute violence in each context. Even within international feminist efforts, there is evidence of how disparities in power may shape "the kind of cultural flows that take place."[231] For example, in Timor-Leste, the tensions between the women's movement and the international "experts" on women's rights who came into the country after the conflict have been documented.[232] In this power struggle, the ability to label violence sits firmly with the most powerful. This may determine what forms of violence become labeled within law and resulting policy and those which remain excluded.

Of relative concern is the confusion within international institutions over these labels and concepts. In many contexts where the United Nations operates, including Liberia and Timor-Leste, international staff use different terms. As I have personally observed in my professional and research capacities, some UN personnel working on policy and programs addressing violence against women will use the term "GBV" and others will use "SGBV" (Sexual and Gender-Based Violence); NGO staff were observed as only using "GBV." This may not matter. However, confusion flourishes among the local organizations scrambling to use the right terms to explain an issue that they already know and experience, but are now required to frame in a particular way to secure funding from international institutions. Many Timorese and Liberian personnel of service-providing organizations I spoke with admitted that they had only recently learned of, and begun using, this new terminology. Their first contact with formal framing of concepts of violence and rights was when they began working with international organizations that came into their country during and after the conflict. A further layer of elitist labeling power is created when elite and educated women from this context become the personnel of these organizations, a power-base to which only some women get access to. Yet, their knowledge may be based on a confused interpretation of the international normative frameworks utilized by international personnel. This in itself creates further complexities when confronted by the attitudinal and socio-cultural investments fueling the resistance to social change by power-holders.

[230] Interview B_7.   [231] Engle Merry, *Human Rights and Gender Violence*, p. 21.
[232] Cristalis and Scott, *Independent Women: The Story of Women's Activism in East Timor*; Hilary Charlesworth and Mary Wood, "Women and Human Rights in the Rebuilding of East Timor." *Nordic Journal of International Law* 71 (2002), pp.325–48, 342–43.

CONCLUSION

Evidenced here is a direct correlation between the way that violence is labeled legally and socio-politically, trends in reporting, and a discourse in all three post-conflict contexts that frames reporting trends as representative of increased violence. While increased reporting may indeed represent increased violence, my discussion here overwhelmingly indicates that after the conflict in each site, there has been (i) an increasing influence of international legal norms (in differing ways for Northern Ireland) and the adoption of domestic legal frameworks on specific forms of gendered violence; (ii) a resulting change in local understanding and positioning of violence against women in public policy and discourse; (iii) an increased and increasingly professionalized service provision where women could report; and (iv) an increase in reporting in response to these changes.

The international community's definition of "normal" rates of violence is actually tolerant of very high levels of violence against women.[233] It may be that the alarm is only sounded when violence appears to be irregularly high, peculiarly innovative, or labeled as a crisis. Such alarm has, to date, only occurred in response to the mass, public, visible, sexualized violence that takes place during conflict. This trend seems to carry over into the aftermath of a conflict, such as in Liberia, where the lens that illuminated sexualized violence during conflict continues to be applied after conflict. As systems and programs are established, recording and reporting procedures are also developed. This results in a new positioning of the issue in social and legal discourse and in more readily available data on this violence than ever before. Research that has examined the reporting of violence against women during conflict has found that "the limitations on the data derive from three main areas: victims' silence, non-governmental organization bias and news source bias."[234] This research has identified links between the violence labeled during a conflict and the violence that gets attention after conflict, and a reliance on reporting trends to paint the picture of violence. The reliance on victims to report abuse is particularly concerning, not just in placing the burden on those who experience abuse to come forward and tell the story of that violence, but also in failing to ensure proactive steps are taken to ascertain and track patterns in and respond to the empirical reality of gendered violence following mass political violence.

The relevance of increased reporting and the conditions that may increase reporting behaviors requires more consideration in representation of post-conflict violence. A post-conflict context may experience fluctuations in violence in response to contextual factors (see Chapter 5). There of course may, and often will, be

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[233]   Lori Handrahan, "Conflict, Gender Ethnicity and Post-Conflict Reconstruction." *Security Dialogue* 35(429) (2004), pp. 429–45, 440.
[234]   Green, "Uncovering Collective Rape: A Comparative Study of Political Sexual Violence," pp. 97–116.

instances and events where violence may indeed increase in form and/or intensity for individual women and this requires specific attention and nuanced understanding. The labeling and redefinition of violence that takes place after conflict may thereby have a greater influence on perceptions of the post-conflict landscape than at least I had originally expected. An international medical professional that I interviewed in Liberia noted that there exists an almost clichéd understanding circulating among service providers that post-conflict gendered violence is increasing as a result of the conflict.[235] In a policy context that is eager to establish and ascertain the connection between violence during and after conflict, it is not clear whether the potential for increased violence against women after conflict is a cliché, a widely accepted assumption, or a fact. Until more data is available and is assessed from a contextual and non-biased perspective, it remains questionable what the trends may actually represent. It is clear, however, that our understanding of violence after conflict, the picture that academics and practitioners alike have of violence, relies on statistics that are gathered by agencies to whom women may or may not choose to report and for whom statistics represent an opportunity to further agendas. It is important that reporting trends are not assumed to depict the reality of a situation, but that the reality and the experiences of violence are ascertained correctly in order to appropriately tailor responses.

The assessment of post-conflict violence against women in this chapter does not aim to discredit the importance of measurement in evaluating human rights violations such as violence against women.[236] As Alison Brysk notes, "[s]tatistics unquestionably can be helpful when used in an intelligent way and by a user who can put them in context."[237] Otherwise, the implications of measurement are not sufficiently contextualized and may result in a skewed picture. For example, if we were to compare a country such as Liberia, where the World Health Organization has estimated that 77.4 percent of women were raped during the conflict,[238] and one like Northern Ireland, which has had comparatively little measurement of conflict-related sexual violation, then Northern Ireland may not figure anywhere on the barometer of conflict-related violence against women. However, my qualitative and contextual assessment of this violence reveals that conflict-related gendered violence *was* present in Northern Ireland – it simply was not labeled as such. And the work of Dara Cohen and Amelia Hoover-Green, as discussed in Chapter 3, call into question the validity of the UNWHO data.[239] The politics and problems of measurement and labeling are thus evident.

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[235] Interview B_8.
[236] Brysk, "The Politics of Measurement: The Contested Count of the Disappeared in Argentina."
[237] Robert J. Goldstein, "The Limitations of Using Quantitative Data in Studying Human Rights Abuses." Human Rights Quarterly 9 (1986), pp. 607–27, 627.
[238] Sexual and Gender-Based Violence and Health Facility Needs Assessment, Liberia. Monrovia, United Nations World Health Organization (2004).
[239] Dara Kay Cohen and Amelia Hoover-Green, "Dueling Incentives: Sexual Violence in the Liberian Civil War and the Politics of Human Rights Advocacy," *Journal of Peace Research* 49, no. 3 (2012).

The argument made in this chapter also does not aim to completely set aside the work of many feminist scholars and activists who have postulated that violence after conflict increases. As I have already argued in Chapter 5, violence is a fluctuating phenomenon that peaks and troughs according to the presence of aggravating and regulating contextual factors. As identified in the previous chapter, there are reasons why violence may increase or, in fact, decrease. Explanations as to why violence may increase after conflict include the "[i]nternalisation of violent mechanisms on conflict resolution, accumulated and unresolved feelings of male impotence and frustration, male anxiety around the empowerment of women ... or simply increased vulnerability of women"[240] as a result of the conflict. Conditional factors related to the conflict may act as a multiplier for the risk of ordinary violence in its aftermath.[241] One interview respondent felt that combatants may not, "think much of what he is doing to her in comparison to what he is doing outside as part of his combatant role and sees that domestic violence is less of a crime ... particularly when law is only catching up with defining it as a crime."[242] Another respondent working with ex-police officers on addiction issues noted that, "they had lashed out as a result of what they had seen and had to deal with in the Troubles."[243] It was noted that, "[t]here is a link – because of the psychosocial problems, people are trying to deal with trauma and now they just use violence."[244]

An alternative view was also expressed. Some respondents felt that this argument provides an excuse for a very simple explanation to this violence – that our societies tolerate certain levels of violence and the exigencies of conflict are simply creating deeper levels of enabling factors.[245] A study assessing displacement's impact on domestic violence within a refugee population in Kenya highlights stressors that may affect trauma and violence levels.[246] While indicative of the kinds of contextual factors that can influence fluctuations of violence, this must be understood as specifically relevant to communities living in demanding camp settings and therefore cannot be used for a general post-conflict assessment of violence. The processes of escalation and de-escalation of violence are important to consider in preventing and responding to violence.[247] This also reiterates the earlier point that contextual factors will influence fluctuations in violence, and each particular setting will have its own range of factors.

[240] Ruth Rubio-Marín, "The Gender of Reparations in Transitional Societies." In *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, edited by Ruth Rubio-Marín (New York: Cambridge University Press; International Centre for Transitional Justice, 2009), p. 117.

[241] Urban Walker, "Gender and Violence in Focus: A Background for Gender Justice in Reparations," p. 55.

[242] Interview A_15.   [243] Interview A_18.   [244] Interview B_1.   [245] Interview A_1.

[246] Rebecca Horn, "Exploring the Impact of Displacement and Encampment on Domestic Violence in Kakuma Refugee Camp." *Journal of Refugee Studies* 23 (2010), pp. 356–76.

[247] George Elwert, Stephan Feuchtwang, and Dieter Neubert (eds.), *Dynamics of Collective Violence: Processes of Escalation and De-Escalation in Violent group conflicts* (Berlin: Duncker and Humblot, 1999).

It is also important to note that the fluctuating nature of violence means that it is also known to increase in response to specific events. A clinic in Liberia described how there were certain times of the year when there were spikes in reports of violence associated with social events. It was noted that "when they have a holiday, like at Christmas, Independence day . . . a special celebration, you see that people are going against women sexually. And the next day we would see cases."[248] This was verified by a medical practitioner who noted that his Liberian colleagues "tell you 'oh its normal' it's the independence, we expect a raise of numbers. So, maybe rape is part of the party."[249] Another practice was noted to occur in a particular area of the country in which during a certain festival women will "be in tents or whatever and any man who goes through those tents can just sleep with them, it's like a festive season. . . . You have people in government who will come and park their cars."[250]

A clinic staff member in Liberia noted that "we have months that it can increase, like in holidays . . . After the celebration you would see that it increases."[251] This is commensurate with experiences elsewhere, such as in Ireland, where reports of sexual assault to the Dublin Rape Crisis Centre increase over Christmas and other holiday periods.[252] In the United States, weekends, national holidays, and the dates associated with national football tournaments bring increased reports of partner violence.[253]

It is important to recognize the value of women's qualitative descriptions of violence. There is an over-emphasis placed on quantification such that, "[i]n practical and political terms, if something is not measured it does not exist, if it is not counted it does not count."[254] A feminist assessment of after-conflict violence would allow more space and credibility for women's own articulation of their experiences of violence and how they qualitatively define what is and is not happening to and with violence in their lives. My research concretely reaffirms that violence against women is consistently prevalent and fluctuates according to conditional factors before, during, and after conflict. Whether increasing or not, responding adequately to the issue may be about ensuring that both quantitative and qualitative measurements of violence inform an understanding of that violence. Critically, this should include advancing understanding of how awareness-raising works to prompt reporting and ensuring that the creation of demand is met on the supply chain end with safe and adequate services. The question, therefore, should not be whether violence increases, but how various forms and fluctuations in violence can be made visible, labeled, addressed, and ultimately prevented.

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[248] Interview B_11.   [249] Interview B_8.   [250] Interview B_2.   [251] Interview B_11.

[252] Kevin Flude. *A Literary Companion to the Pre-History and Archaeology of London* (D.A Horizons, London, 1992).

[253] Randy J. McCarthy, et al. "What Difference Does a Day Make? Examining Temporal Variations in Partner Maltreatment." *Journal of Family Psychology* 28(3) (2014), pp. 421–28.

[254] Andreas and Greenhill, "Introduction: The Politics of Numbers," p. 1.