



African Transitional Justice Research Coalition
Report of the Meeting of the Gendered Violence Hub
July 2025



EXECUTIVE SUMMARY

In July 2025, the African Transitional Justice Research Coalition, in collaboration with the ALN, Academy, hosted its first Gendered Violence Hub meeting in Nairobi, Kenya. This report synthesises discussions from the Hub's discussions over African responses to gendered violence amid deepening crises of justice and accountability. Across sessions,

participants reflected on the urgency of reimagining justice through African feminist and survivor-centred approaches.

Gendered Violence and Transitional Justice

Participants noted that gendered violence is not an isolated phenomenon but a structural condition, shaped by African colonial histories and political economies of exclusion. Historically transitional justice processes have been slow to address gendered harms but the incremental progress over the last three decades must be acknowledged. The Hub nonetheless raised critical questions about what justice means when the state itself is implicated in producing harm; how to challenge impunity beyond criminal justice mechanisms; and how activism can reframe dominant narratives of justice. Participants argued that reimagining justice requires shifting from abstract commitments to the implementation of reforms that centre women's agency and lived experiences.

International Justice and Its Legacies

The discussion revisited the promises and failures of international criminal law in advancing gender justice. While landmark cases such as Akayesu established critical precedents by recognising rape as crimes against humanity, subsequent prosecutions have been inconsistent. An examination of the ICC exposes the persistent marginalisation of sexual violence in international prosecutions and the structural biases that limit accountability. Participants observed that international justice frameworks often fail to engage local contexts or collective dimensions of harm. Language barriers and weak domestic implementation continue to alienate survivors. Nevertheless, digital activism, such as South Africa's #TotalShutdown and Kenya's #EndFemicideKE, is redefining justice by documenting ongoing violence and mobilising feminist accountability. Participants called for stronger connections between international and domestic systems, and for reforms that dismantle colonial and patriarchal legacies in law and practice.

Women, Peace and Security

Twenty-five years after the adoption of UN Resolution 1325, women's participation in peacebuilding remains fragile and often violently contested. While the Women, Peace and Security (WPS) agenda has expanded normative frameworks and regional advocacy, participants warned that progress has stalled amid increasing securitisation of gender issues. Drawing on Kenya and other contexts, participants described political spaces marked by violence and exclusion, with women's movements often reduced to "checklist" inclusion. Funding cuts linked to rising right-wing conservatism further threaten the sustainability of women's organisations. Participants emphasised the need for African-led partnerships and multi-sectoral collaboration to revitalise the WPS agenda. Transformative progress requires not only women's participation but their leadership and influence in decision-making processes.

Strategic Litigation and Alternative Justice

In contexts where formal systems fail, strategic litigation and community-led justice offer crucial alternatives. Case studies from Kenya, South Sudan and The Gambia illustrated how civil society drives gender justice despite state inaction. In Kenya, the 2020 Coalition on Violence Against Women v. Attorney General judgment held the state liable for failing to address sexual violence during the 2007–2008 post-election crisis. This was a milestone case in recognising state responsibility for gendered harms. Participants, however, cautioned that litigation must be married with structural reform to ensure lasting impact. In South Sudan, traditional dispute mechanisms dominate but often perpetuate patriarchal norms, pressuring survivors to reconcile rather than seek justice. Participants called for GBV literacy, safe reporting, and legal empowerment to transform these systems. In The Gambia, civil society "shadow reports" complemented the Truth Commission's gaps, highlighting the role of language, community dialogue and intergenerational storytelling in documenting women's experiences.



Gender Apartheid and Structural Exclusions

Debates around codifying “gender apartheid” as a crime against humanity revealed deep tensions. While participants acknowledged the need for legal frameworks to capture systemic gender oppression, they cautioned against transplanting “apartheid” from its specific African racial and colonial context. The term’s uncritical use risks depoliticising its historical meaning and appropriating African suffering for global advocacy aims. Participants instead urged that the new Crimes Against Humanity treaty be used to reimagine gender justice rather than append gender to pre-existing legal categories. The challenge, they concluded, lies in developing frameworks that recognise systemic gendered harms without erasing the racial, colonial, and historical specificity of apartheid. Overall, the Hub’s deliberations reaffirmed that achieving gender justice requires bridging global norms and local realities, transforming state complicity into accountability, and sustaining African feminist leadership. Participants agreed that justice must be reimaged to meet the contemporary nature of gendered and structural injustice.

Recommendations

1. Advance knowledge through strategic publications and advocacy

- Develop a policy brief on an innovative experience showcased at the meeting.
- Produce an educational note on the proposal to codify “gender apartheid” as a crime against humanity.
- Coordinate a Hub submission to CEDAW’s forthcoming General Recommendation No. 41 on eliminating harmful gender stereotypes.

2. Strengthen collaboration and shared learning

- Facilitate co-authored outputs among Hub members on emerging themes.
- Create a shared digital repository showcasing Hub members’ work across publications, art, and multimedia.

3. Amplify African leadership and participation in global fora

- Advance advocacy for African-led policy and norm development in international transitional justice spaces.

4. Foster public pedagogy and inclusive education

- Promote creative, accessible storytelling to deepen intergenerational dialogue and collective memory.
- Use digital and artistic media to broaden public engagement with gender and justice issues.

Introduction

This report brings together key insights from the Hub’s discussions about the state of gendered violence and transitional justice in Africa. The meeting explored how gendered harms, rooted in histories of colonialism, exclusion, and conflict, continue to shape women’s experiences of justice. Across the sessions, participants critically examined the limits of existing mechanisms, from international criminal law to peacebuilding and truth-telling processes as well as local justice initiatives.

The report captures a shared recognition that advancing gender justice requires reimagining the frameworks through which justice is pursued. Participants called for African-led approaches that move beyond formal mechanisms to include creative,

feminist strategies. They also identified concrete ways to strengthen collaboration, advocacy and public engagement to make transitional justice more sustainable.



International Justice and its Legacies

This panel set out to examine whether international criminal law has failed to deliver on its promise of adjudicating gender justice. From the promise of the Akayesu judgement to the subsequent low prosecution rates for sexual violence, this session considered the promise and pitfalls of justice for international crimes. The role of judicial mechanisms in addressing the extensive gender-based crimes has been well documented. Jurisprudence developed at the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Court (ICC) and the Special Court for Sierra Leone (SCSL) has expanded the definition of crimes against humanity and war crimes to address a wide range of gender-based violations. Participants noted the important role that international law plays in deterrence, confronting impunity and promoting women's rights. However, despite this progress, the application of these principles has been uneven across Africa with widespread under-enforcement and selective accountability.

The landmark Prosecutor v. Jean-Paul Akayesu case before the International Criminal Tribunal for Rwanda marked a turning point in recognising sexual violence as both a constitutive act of genocide and a form of torture. Initially, no charges of sexual violence were brought against Akayesu until the intervention of Judge Navi Pillay who queried the lack of inclusion of rape in the indictment. The judgement exposed the widespread use of rape during the Rwandan genocide, prompting the prosecution to expand its inquiry and redefine rape in broader terms. This recognition reframed sexual violence as central to the pursuit of accountability and transitional justice in post-conflict Africa.

The adoption of the Rome Statute in 1998 further consolidated these advances by codifying rape, sexual slavery, enforced prostitution, forced pregnancy, and enforced sterilisation as crimes against humanity and war crimes. This framework provided a permanent legal mechanism for addressing sexual and gender-based violence beyond the ad hoc tribunals. The conviction of Dominic Ongwen in 2021 for crimes committed in Northern Uganda by the Lord's Resistance Army (LRA) represented a major step forward. Ongwen's case broke new ground in recognising forced marriage as a distinct crime against humanity, and it underscored the importance of addressing the complex status of individuals who are simultaneously victims and perpetrators.



However earlier cases from the Democratic Republic of Congo exposed the persistent marginalisation of sexual violence in international prosecutions. In Thomas Lubanga, despite substantial evidence of rape and sexual enslavement, charges were restricted to the recruitment and use of child soldiers, effectively erasing the gendered dimensions of the crimes. Similarly, in Germain Katanga, the Court failed to secure convictions for sexual slavery and rape despite extensive documentation from women’s organisations. These omissions reinforced the perception that sexual violence remains secondary within international legal priorities and demonstrated the continued reluctance of prosecutors to pursue gender-based charges.

The Jean-Pierre Bemba case in the Central African Republic initially appeared to signal renewed momentum for accountability. Bemba, a former Congolese vice president, was convicted in 2016 of war crimes and crimes against humanity, including rape committed by his troops. The decision was hailed as a major victory for the prosecution of sexual violence in Africa. However, the 2018 reversal of the conviction on appeal confirmed how fragile such advances remain. The acquittal highlighted the evidentiary burdens and

doctrinal rigidity that continue to shield senior commanders from liability even in the face of proven patterns of sexual violence.

These challenges reflect deeper conceptual limitations within international humanitarian and criminal law. For example, the dominant focus on individual criminal responsibility restricts the possibility of addressing the collective and systemic dimensions of wartime sexual violence. Further, the broader African experience with gender justice underscores both the promise and limits of international law. The Akayesu and Ongwen cases demonstrate that international courts can serve as important sites of recognition for survivors of sexual violence, particularly when women's advocacy shapes the legal process. Yet these cases also reveal that such gains are contingent on sustained political will, prosecutorial strategy, and survivor mobilisation. Where these are absent, gender-based crimes continue to be sidelined or inadequately prosecuted.

Participants noted that while the normative framework now recognises SGBV as among the gravest crimes under international law, its implementation remains marked by evidentiary challenges and bias and highly contingent on the personnel of the Courts. It was also noted that a disconnect exists between international justice frameworks and domestic systems, noting that international mechanisms often fail to account for the realities such as local histories, cultures and power dynamics. Practitioners in the gender justice field also reflected on the tendency to work in silos, which weakens collective efforts to address gendered violence. Participants therefore called for stronger collaboration among local actors and survivor-led initiatives to develop context-specific approaches to justice.

A recurring concern was the role of language as a barrier to justice. In many African contexts, local languages lack the terminology to describe sexual violence, making it difficult to document survivors' experiences accurately. Participants pointed out that poor interpretation in legal and quasi-legal settings can further distort testimonies. Such instances trivialise survivors' experiences and reinforce the need for linguistic sensitivity in transitional justice processes.

Participants also underscored the importance of digital activism as a form of context-specific justice and documentation. Movements such as #TotalShutdown in South Africa and #EndFemicideKE in Kenya were cited as examples of how grassroots, feminist and youth-led initiatives can both expose systemic failures in justice systems and create archives of resistance. These forms of digital documentation, participants noted, provide real-time insights into ongoing struggles for gender justice and offer valuable tools for advocacy and reform.

The discussions concluded that meaningful gender justice in African contexts requires bridging the gap between international frameworks and local realities. Participants stressed the need for the reform of domestic legal systems that continue to reflect colonial and patriarchal legacies. Strengthening partnerships between civil society, and formal institutions was seen as essential to ensuring that transitional justice processes are responsive to the lived experiences of survivors.



Women, Peace and Security

Twenty-five years after the adoption of the UN Women, Peace and Security (WPS) agenda, women's participation in peacebuilding and politics remains limited and often under threat. This session examined progress since the adoption of Resolution 1325 in 2000, identifying where momentum has stalled and interrogating the risks of securitising gender issues. Participants acknowledged that the WPS agenda has brought important advances, including new normative frameworks informed by women's experiences in conflict and strengthened regional advocacy led by civil society. However, they cautioned that these gains coexist with a resurgence of hostility toward women in public life. Political spaces have become increasingly violent, with women activists and practitioners facing targeted attacks aimed at deterring their participation.

Drawing on the Kenyan context, participants underscored how violence and silencing continue to limit women's representation in political processes. Elsewhere on the continent, women's movements remain on the margins of peace negotiations, which often reproduce the patriarchal power structures that fuel exclusion in the first place. Several participants criticised how WPS implementation has been reduced to a "checklist" exercise, while the securitisation of gender issues on the continent risks diluting the transformative potential of the agenda.

Participants also expressed concern over the growing impact of global political shifts, such as the rise of right-wing conservatism in donor countries, on the sustainability of WPS initiatives. Cuts to major funding streams, including the 2025 halting of USAID support and proposed UK reductions to education and WPS programmes, threaten to roll back progress. Participants cited evidence that up to half of women's organisations are at risk of closure, at a time when it is estimated to take over a century to lift women out of poverty. These developments undermine women's participation in peace processes and jeopardise broader efforts toward gender justice.

Despite these challenges, participants identified key opportunities to revitalise the WPS agenda. Central to this is fostering stronger partnerships among women working in gender justice across regions, and building upon existing women's movements in peace

processes to bridge fragmentation in the field. Participants also emphasised the need for deeper engagement with women at the community level to transform relationships between women and the state. Collaborations should be African-led and sustained through targeted resource mobilisation. Finally, participants stressed that advancing women’s leadership and influence in decision-making, rather than mere participation, is essential to reinvigorating the WPS agenda and securing its transformative promise.



Strategic Litigation

In contexts where formal justice mechanisms have failed or been deliberately obstructed, alternative dispute resolution (ADR) and strategic litigation have been critical tools. In this regard, civil society in Africa has played a vital role in advancing accountability and recognition for victims of gendered crimes. Both the UN and African Union recognise civil society as central actors in transitional justice processes (UN 2010; UN 2017; AU 2019). These approaches can serve as vital mechanisms when state institutions are weak, complicit or absent. Drawing on case studies from Kenya, South Sudan, and the Gambia, this panel explored what gender justice looks like from the local perspective, emphasizing

locally driven solutions and the importance of activism in achieving justice outside traditional legal frameworks.

Strategic Litigation Kenya

In Kenya, following the 2007–2008 post-election violence formal prosecutions stalled due to political interference, weak institutions and the collapse of the ICC process. And while the Kenyan Truth, Justice and Reconciliation Commission (TJRC) revealed enduring patterns of sexual and gender-based violence, often perpetrated by state security forces few women testified about these crimes before the Commission. This significant gap appeared to confirm the social and structural barriers that inhibit women's participation in justice processes.

In response a landmark case was launched through Coalition on Violence Against Women & 11 Others v Attorney General & 5 Others (Petition 122 of 2013). This case culminated in a 2020 High Court judgment finding the Kenyan state liable for failing to investigate and prosecute sexual violence during the PEV. Four survivors were awarded KES 4 million each in compensation, marking a historic recognition of state responsibility for conflict-related sexual violence. This intervention served several crucial purposes. It publicly acknowledged survivors' experiences and named the state's failure to act; it mobilised public attention around gendered violence as a political harm and it expanded jurisprudence around state responsibility for SGBV in transitional contexts.

Strategic litigation in Kenya has also advanced sexual and reproductive health rights. In 2019, the High Court ruled that rape survivors have the right to access abortion, a critical victory in a context where unsafe procedures have led to preventable deaths. Nonetheless, the inconsistent implementation of this ruling continues to undermine access to safe and quality reproductive healthcare. Panellists proposed that violations of reproductive rights should be classified as stand-alone crimes against humanity, to strengthen domestic and international protection frameworks.

The Kenyan experience demonstrates both the transformative potential and limitations of litigation. While court victories are vital for setting legal precedents and securing recognition, they must be reinforced by policy implementation and wider reform. The

Kenyan case provides examples of how civil society can ensure that states bear an affirmative duty to respond to gendered violence. In this way strategic litigation provides a transformative feminist tool that disrupts silences around gendered harms and challenges impunity. However, as discussants noted, while we can celebrate these wins it does not negate the fact states should be the ones who uphold gender rights.



Alternative Dispute Resolution South Sudan

An examination of justice systems in Africa reveals a landscape characterised by legal pluralism, in which formal state-based systems coexist with traditional and community-based justice mechanisms. These traditional systems are particularly dominant in rural contexts, where formal legal infrastructure is limited or inaccessible. For instance, in South Sudan, traditional justice mechanisms resolve as much as 90% of civil and criminal disputes. These systems, which rely on mediation and negotiation, have long-standing cultural roots and predate the introduction of formal judicial systems during colonial rule.

However, Alternative Dispute Resolution (ADR) and traditional mechanisms face inherent limitations when it comes to addressing sexual and gender-based violence. ADR are relied on in the face of weak judicial systems and victims of GBV are routinely asked to drop criminal cases and to settle dispute outside of courts and in community settings. Participants highlighted how local gendered norms often excuse violations perpetrated against women and girls in these community settings. As such, the need to promote understandings of the inter-relationship between GBV and existing sociocultural practices remains key. Participants stressed bridging these gaps through access to safe reporting by survivors. It was also noted that improving GBV literacy and awareness across different communities and leaders through community education campaigns could play an important role in promoting justice.



The Gambia: Truth, Documentation and Language

The Gambian experience provides a distinct but complementary perspective on gendered justice through the lens of truth-seeking and community engagement. The Truth, Reconciliation and Reparations Commission (TRRC) addressed sexual and gender-based violence alongside other violations, but gaps remained particularly concerning the

inclusion of women's testimonies and the articulation of gendered harms. In response, civil society actors produced a shadow report that documented the systemic and pervasive nature of sexual and gender-based violence during the Jammeh regime, as well as the barriers to women's participation in the TRRC process. Although not formally incorporated into the Commission's final report, the shadow report has informed post-TRRC transitional processes, ensuring that survivors' voices and gendered experiences are not erased from the national narrative.

The Gambian context thus reveals the importance of community dialogues and intergenerational engagement to assist truth-recovery, something which has been evident in many other contexts including Liberia and Sierra Leone. The TRRC clearly exposed how cultural taboos and the gendered nature of language continue to hinder women's testimony. Participants therefore noted the need to improve truth recovery processes through more creative ways to discuss gendered harms including ensuring a broader vocabulary is utilised to record violations that women find difficult to discuss.

Discussion of these three contexts highlighted that alternatives exist to a slow or non-functional criminal justice system, and how strategic litigation can be used to subvert patterns of sexual violence that have become normalised. The importance of fostering partnerships across sectors was highlighted by all participants.



Gender Apartheid and Structural Exclusions

[I]n Afghanistan, unprecedented, systematic attacks on women's and girls' rights and the flouting of international obligations are creating gender-based apartheid.

UN Secretary-General Antonio Guterres January 2023

This panel set out to explore the legal and political debates surrounding the recognition of gender apartheid as a crime against humanity. In December 2024, the UN General Assembly adopted Resolution 79/122, marking a historic step toward creating a new international treaty on crimes against humanity. The resolution authorizes the start of formal work on the treaty, with a Preparatory Committee scheduled for January 2026, followed by negotiations in 2028–2029. This process aims to consolidate global commitments to close a long-standing gap in international law that lacks a dedicated convention on crimes against humanity.

A central issue emerging in this process is the proposal to codify “gender apartheid” as a distinct crime against humanity. Advocates for this argue that victims of systemic gender-based oppression, such as Afghan women under the Taliban, currently lack protection

under international law. In March 2023, Afghan and Iranian jurists and women's rights defenders launched the End Gender Apartheid Campaign, calling for international recognition of gender apartheid. This effort was reinforced in October 2023, when the Atlantic Council Strategic Litigation Project and the Global Justice Center issued a Legal Brief endorsed by over 100 leading jurists, Nobel laureates, and public figures, including Fatou Bensouda, Navi Pillay, Mary Robinson, and Hillary Clinton, urged UN member states to include gender apartheid in the new treaty.

The push to codify gender apartheid builds on growing UN recognition. Since 1999, various UN Special Rapporteurs have described the Taliban's system as a form of apartheid. More recently, the UN Secretary-General (2023), UN Women (2023–2024), CEDAW Committee (2024), and Working Group on Discrimination against Women and Girls (2024) have all endorsed framing the Taliban's governance as gender apartheid, urging its formal recognition in international law.

Legally, gender apartheid is distinct from gender persecution: it requires the intent to maintain an institutionalized regime of systematic oppression and domination, paralleling the definition of racial apartheid. Proponents argue that codifying gender apartheid would close a major accountability gap, ensuring that systemic and ideological gender-based domination can be prosecuted as a crime against humanity. They further argue changes to international law will send a clear message that patriarchal regimes cannot use culture, religion or sovereignty as shields for systemic subjugation. However, there has been a dearth of African responses to this proposal, making this hub's engagement in the debate on gender apartheid critical.

While participants at the meeting recognised the need to strengthen legal frameworks to capture systemic gender-based oppression, concern was raised over codifying "gender apartheid" as a distinct international crime. Central to the debate was whether the term apartheid, a concept born from, and inseparable from, South Africa's history of racial domination, can, or should, be transposed to describe gender-based subjugation. Participants noted that the term apartheid has a specific racial and political genealogy in Africa. It emerged from the systemic oppression of black South Africans under a state-sanctioned regime that was both racialized and territorially structured. Using "apartheid"

to describe gendered oppression, they cautioned, risks diluting its racial and historical specificity.



The panel emphasized that the recognition of apartheid as a crime against humanity in the 1973 Apartheid Convention was an achievement tied to the anti-colonial struggle. Consequently, applying the term to gender could risk co-option and depoliticization of a concept that was forged in response to colonial and racial domination. Some participants suggested that the proposal for “gender apartheid” was a politically targeted instrument, aimed particularly at the Taliban. As such, it could further entrench concerns over the selective and instrumental deployment of international law. Participants also questioned whether the expansion of the crime of apartheid was the most appropriate path forward. It was noted that an expansion of the Genocide Convention, which centres on the destruction of a group and its existence, might offer alternative legal and moral vocabularies for naming and prosecuting systemic gendered harm without appropriating the racial and historical context of apartheid.

Several contributors highlighted the neocolonial implications of invoking apartheid outside its African racial context. They pointed out that just as the term genocide carries

immense moral and legal weight, apartheid similarly demands careful and contextually grounded use. The discussion cautioned that adopting “gender apartheid” might instrumentalize African historical suffering for global advocacy goals, without grappling with its colonial and racial roots. The analogy also raised questions about normative complementarity and whether international legal frameworks can accommodate intersectional harms without collapsing distinct histories of oppression.

The session closed with a forward-looking reflection: if the term gender apartheid is contested, what alternatives might more effectively centre gender in international law? Participants suggested that developments of a new Crimes against Humanity treaty offered an opportunity to reimagine gender justice frameworks, rather than simply append gender to existing categories. Ultimately, the discussion reaffirmed that while international law must evolve to address the institutionalized subordination of women and gender minorities, this should not come at the cost of erasing the racial specificity of apartheid as it emerged in Africa. The challenge, participants argued, lies in creating a truly transformative legal framework. This should be one that recognises gendered harms, without appropriating or diluting the meanings of other historic crimes.

Conclusion and Pathways

Throughout the meeting, participants reflected critically on how to reimagine transitional justice in a shifting global landscape and how to address longstanding legacies of gendered violence amid the increasingly hostile environment for human rights defenders. While the challenges confronting this field remain significant, participants emphasised that progress must be acknowledged and built upon. The discussions pointed to the need for survivor-led, context-specific, and holistic approaches to transitional justice that move beyond “one-size-fits-all” templates. Nonetheless it is critical to recognise the numerous African examples where successfully facilitated healing and accountability. Participants thus identified several priority actions and recommendations to guide the Hub’s future work:

1. Advance knowledge through strategic publications and advocacy

- Develop a policy brief which focuses on one of the innovative experiences identified at the meeting.
- Create an educational note detailing the proposal to codify “gender apartheid” as a distinct crime against humanity.
- Contribute to the forthcoming General Recommendation No. 41 to help states parties eliminate harmful gender stereotypes for the UN Committee on the Elimination of Discrimination Against Women (CEDAW) through a coordinated Hub submission.

2. Strengthen collaboration and shared learning

- Support collaborative spaces for Hub members and affiliates to co-author outputs on themes emerging from the meeting.
- Establish a shared digital repository that curates Hub members’ publications, stories, art, and multimedia projects, with an emphasis on intersectional and transformative justice approaches.

3. Amplify African leadership and participation in global fora

- Continue advocacy for African-led policy development and norm creation in international transitional justice spaces.

4. Foster public pedagogy and inclusive education

- Promote creative, accessible modes of engagement, including and digital storytelling, to foster intergenerational dialogue and sustain collective memory.
- Establish a shared digital repository that curates Hub members’ publications, stories, art, and multimedia projects, with an emphasis on intersectional and transformative justice approaches.

These actions are intended to show the Hub’s commitment to advancing survivor-centred and contextually grounded approaches to transitional justice. Through coordinated advocacy, collaborative research and creative pedagogy, the Hub will continue to challenge structural inequalities while expanding the possibilities for justice across diverse contexts.