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Research Article

Gender, Conflict-Related Sexual Violence, and Survivor-Led Transitional Justice Mechanisms

Espérance Uwimana[1] & Henrikke Solberg[2]

[1]Centre for Conflict Management, University of Rwanda, Kigali, Rwanda; [2]Peace Research Institute Oslo, Oslo, Norway

ABSTRACT

Post-conflict truth commissions, hybrid tribunals, and state reparations programmes frequently frame survivors of conflict-related sexual violence (CRSV) primarily as passive witnesses to atrocity rather than active agents of post-war reconstruction. Procedural delays, public stigma surrounding sexual trauma, and narrowly defined legal evidentiary standards often exclude thousands of women from formal recognition and material compensation. Consequently, survivors have formed autonomous peer-led advocacy associations to demand holistic reparations, community memorialisation, and intergenerational trauma support. This hypothetical expanded article investigates survivor-led transitional justice initiatives in Rwanda and northern Uganda. Utilising postcolonial feminist legal theory and trauma studies, the research synthesises the published literature and proposes an oral-history design with survivor association leaders and legal practitioners. The article concludes that meaningful transitional justice requires shifting from top-down legalistic procedures to survivor-governed reparations and community-centred healing frameworks. It advances a three-part test for survivor-led legitimacy — control over agenda, control over evidence, and control over repair — and applies it to Rwanda's gacaca legacy, Uganda's National Transitional Justice Policy (2019), and the International Criminal Court's Ongwen reparations order.

Keywords: Transitional justice; conflict-related sexual violence; survivor-led advocacy; reparations; feminist legal theory; post-conflict healing; Rwanda; Uganda.

1. Introduction

Transitional justice was originally conceived as a set of extraordinary measures — prosecutions, truth-seeking, reparations, institutional reform, and memorialisation — through which societies reckon with mass atrocity (Teitel, 2003). In practice, however, the field has often privileged the state, the courtroom, and the legal professional as the proper authors of justice, while survivors appear as sources of testimony whose credibility must be tested. For survivors of conflict-related sexual violence, that hierarchy has been especially costly. Sexual violence has been prosecuted as genocide, as a war crime, and as a crime against humanity, yet recognition in law has not reliably translated into recognition in life: material repair, health care, safety from stigma, or a say in what repair should mean (Chappell, 2017; Durbach & Chappell, 2014).

This article asks a different question from the one that dominates doctrinal assessments: what happens when survivors, rather than states or courts, govern the transitional justice process? Drawing on Rwanda and northern Uganda — two contexts that are frequently invoked as contrasting models of post-conflict justice — it argues that survivor-led associations do not merely fill gaps left by formal mechanisms. They redefine the criteria by which justice should be judged. Where formal mechanisms ask whether a perpetrator was convicted or a truth was established, survivor-led mechanisms ask whether survivors gained control over agenda-setting, over what counts as evidence, and over the form and distribution of repair. That shift, the article contends, is not a soft supplement to hard law. It is the condition under which legal recognition can become socially meaningful.

The argument proceeds in five steps. Section 2 sets out the theoretical framework, combining postcolonial feminist legal theory, intersectionality, and trauma studies. Section 3 reviews the formal record in Rwanda and northern Uganda. Section 4 presents the proposed qualitative design and the analytic synthesis that follows from the literature and from survivor-led practice documented in that literature. Section 5 develops the three-part legitimacy test and applies it comparatively. Section 6 concludes with policy implications for reparations design, memorialisation, and intergenerational support.

2. Theoretical Framework: Postcolonial Feminism, Intersectionality, and Trauma

Feminist scholarship has long argued that transitional justice needs its own theory of gender, rather than treating gender as an add-on to otherwise neutral procedures (Bell & O'Rourke, 2007). Bell and O'Rourke's question — does feminism need a theory of transitional justice? — remains generative because it exposes how supposedly universal mechanisms reproduce gendered hierarchies: whose harm is legible, whose testimony is credible, and whose future is worth investing in. Mertus (2004) sharpened the point for wartime rape trials, arguing that international trials can diminish women's agency when survivors are reduced to evidentiary instruments in prosecutions they do not control. The courtroom may vindicate a norm while leaving the witness more isolated than before.

Postcolonial feminist legal theory adds a second critique. Moyo (2012) interrogates the transitional justice discourse itself — its commitments to liberal democracy, rule of law, and human rights — and shows how those commitments can operate as universalising frames that marginalise local, customary, and survivor-defined conceptions of repair. Buckley-Zistel and Stanley (2012) similarly insist that gender in transitional justice cannot be understood without attention to statehood, colonial history, and the politics of who speaks for women after war. In Rwanda and Uganda, colonial legal transplantation, missionary moral economies, and postcolonial state-building all shaped how sexual violence was named, punished, or silenced. A postcolonial feminist lens therefore refuses to treat stigma as a merely cultural residue; it treats stigma as produced through law, religion, humanitarian discourse, and patriarchal kinship norms that together police women's sexuality and honour.

Intersectionality, as formulated by Crenshaw (1989), is essential to that refusal. A survivor is never only a survivor. Age, marital status, ethnicity, displacement, HIV status, disability, and whether she returned from captivity with children born of rape all mediate how institutions hear her and how communities receive her. In northern Uganda, for example, women who returned from Lord's Resistance Army (LRA) captivity with children faced a distinct form of stigma that attached not only to themselves but to their children, whose belonging was questioned because paternal clan identity was unknown or associated with the perpetrator group (Kiconco, 2022; Woldetsadik, Acan & Odiya, 2022). In Rwanda, Tutsi survivors, Hutu women raped in the genocide or in its aftermath, and women living with HIV after rape encountered different institutional and communal responses, even when the legal category of CRSV appeared to cover them all.

Trauma studies provides the third strand. Herman's (1992) three-stage model — safety, remembrance and mourning, and reconnection — offers a critical corrective to truth-telling orthodoxies that assume testimony is inherently healing. Brounéus's research on Rwanda shows why that assumption fails: in a survey of 1,200 Rwandans, gacaca witnesses reported higher levels of depression and post-traumatic stress than non-witnesses, even after controlling for predictors of psychological ill health (Brounéus, 2010). In-depth interviews with 16 women who testified in gacaca found traumatisation, ill health, isolation, and insecurity dominating their lives after testimony (Brounéus, 2008). Truth-telling without safety, confidentiality, material support, and control over the conditions of disclosure can retraumatise. Survivor-led associations, by contrast, often sequence disclosure differently: peer support first, collective safety second, and public testimony only when survivors choose it, on terms they set.

Together, these theories yield three analytic commitments. First, agency is not the absence of victimhood; it is the capacity to shape the institutions that respond to harm. Second, evidence is not neutral; evidentiary standards are political choices about whose knowledge counts. Third, repair is not restitution to a prior status quo that was itself unequal; as the Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation (2007) insists, reparation must go beyond immediate consequences and address the structural inequalities that shape women's lives. Rubio-Marín (2009; 2007) develops that insight into a theory of gendered reparations that unsettles sexual hierarchies rather than merely compensating isolated injuries.

3. Formal Transitional Justice in Rwanda and Northern Uganda

3.1 Rwanda: Precedent Without Repair

Rwanda occupies a paradoxical place in the history of CRSV accountability. The International Criminal Tribunal for Rwanda (ICTR) in Prosecutor v. Akayesu (ICTR-96-4-T, 1998) recognised rape as a constitutive act of genocide — a landmark that reshaped international law (Fletcher, 2022; Trouille, 2013). Estimates that 250,000 to 500,000 women were raped during the 1994 genocide against the Tutsi underscore the scale of that violence, even as such figures must be treated with caution given underreporting and the absence of systematic documentation. The ICTR's precedent, however, coexisted with profound failures of domestic implementation.

The gacaca courts, revived to process the overwhelming caseload left by the genocide, were widely criticised for their handling of sexual violence. The public, community-based nature of gacaca deterred many women from reporting sexual violence; safeguards introduced in the 2004 Gacaca Law — including testimony before a single judge, confidential written testimony, or testimony to prosecutorial staff — were unevenly implemented (Human Rights Watch, 2004). National courts and gacaca were able to prosecute a significant number of perpetrators of sexual violence, yet reparations remained minimal, and health services for survivors were inadequate. For many survivors, the choice was stark: testify publicly and risk stigma, retaliation, and retraumatisation, or remain silent and forgo any prospect of formal recognition.

The point is not that gacaca had no value. Community-based processes can foster local accountability and reduce reliance on distant courts. The point is that a mechanism designed for speed, local participation, and reconciliation was ill-suited, without specific gendered safeguards, to adjudicate intimate sexual violence in communities where survivors continued to live alongside perpetrators' families. That mismatch is precisely what survivor-led associations later sought to correct: they created confidential, peer-governed spaces where disclosure was voluntary, paced, and linked to material and psychosocial support, rather than to a prosecutorial timetable.

3.2 Northern Uganda: Prolonged Conflict, Plural Justice, and Unfinished Policy

Northern Uganda's conflict between the LRA and the Government of Uganda (1986–2006) involved killings, mutilations, abduction of children, and systematic sexual violence, including forced marriage, sexual slavery, and forced pregnancy (Woldetsadik et al., 2022). One in three women in northern Uganda report having suffered CRSV, including forced marriage and rape, and over one-third of female youth surveyed reported abduction by the LRA, with 65% of formerly abducted girls reporting sexual violence in

captivity. The consequences persist: in a qualitative study of 30 women survivors recruited through the Women's Advocacy Network (WAN), all participants reported at least two forms of CRSV, over two-thirds continued to face physical and psychological problems including untreated sexually transmitted infections, anxiety, and depression, and almost half faced strained family relations and stigma that extended to children born in captivity (Woldetsadik et al., 2022). Peer support from other survivors was identified as a key coping mechanism — a finding that anticipates the central claim of this article.

Uganda's formal transitional justice architecture has been plural and protracted. The International Criminal Court's case against Dominic Ongwen — convicted in 2021 of 61 counts of war crimes and crimes against humanity — culminated in a reparations order of €52.4 million for nearly 50,000 victims, confirmed on appeal on 7 April 2025 (International Criminal Court, 2025). The order combines symbolic individual payments with collective reparations such as rehabilitation programmes and memorial sites. It is the largest reparations order in ICC history, yet its implementation depends on the Trust Fund for Victims mobilising resources because Ongwen was found indigent. The gap between judicial award and delivered repair is therefore structural, not accidental.

Domestically, Uganda adopted its National Transitional Justice Policy in June 2019, defining reparations as material or symbolic, individual or collective redress for gross human rights violations, and providing for truth-telling, traditional justice, prosecutions, and reparations. The policy was welcomed as a step forward, but its reparations provisions have been criticised as vague, with no clear reparations fund established in the initial framework. Meanwhile, Acholi customary practices such as mato oput and other reconciliation rituals have been invoked as alternatives to formal prosecution, but Porter (2012; 2019) shows that customary and formal systems alike can subordinate women's experiences to the imperatives of social harmony and clan reconciliation. Women's claims for justice after rape were often mediated through male kin, and the restoration of social relations could require women's silence. Survivor-led groups such as WAN emerged in that gap: they provided a platform for women who returned from captivity with children born of rape, and for female and male survivors of CRSV, to articulate justice in their own terms (Schulz, 2019; 2020).

Table 1. Formal mechanisms and survivor-led responses in Rwanda and northern Uganda. Sources are cited in the table and in Sections 3.1–3.2.:

Context	Formal mechanism	Documented limitation	Survivor-led response documented in literature
Rwanda	ICTR (Akayesu, 1998); national courts; gacaca	Public testimony risked stigma and retraumatisation; reparations minimal (Brounéus, 2008; 2010; HRW, 2004)	Peer support, confidential testimony preparation, health and livelihood advocacy
Northern Uganda	ICC (Ongwen); National Transitional Justice Policy (2019); customary mechanisms	Reparations award large but implementation-dependent; policy vague on fund; customary harmony can subordinate women (Porter, 2012)	WAN and peer groups; collective advocacy; survivor-defined justice (Schulz, 2019; Woldetsadik et al., 2022)

4. Methods: A Proposed Qualitative Design and Analytic Synthesis

The original abstract proposed oral-history interviews with 36 survivor association leaders and legal practitioners. In this hypothetical expansion, that proposal is retained as a design to be implemented under ethical approval, rather than presented as completed fieldwork. The design, summarised in Table 2, is justified by the literature: survivor-led knowledge is best accessed through narrative methods that allow participants to control pace, sequence, and disclosure (Edström & Dolan, 2019; Schulz, 2020).

Sampling would be purposive and stratified: approximately 18 participants in Rwanda (including leaders of survivor associations, legal aid practitioners, and psychosocial workers) and 18 in northern Uganda (including WAN-affiliated leaders, male survivor group facilitators where ethically appropriate, and practitioners working on ICC reparations and the National Transitional Justice Policy). Inclusion criteria would prioritise leadership experience in survivor associations, not merely survivor status, to avoid extracting testimony from participants who have not chosen a public advocacy role. Interviews would be conducted in Kinyarwanda, Acholi, Lango, or English, with translation, transcription, and participant review of transcripts. Analysis would follow reflexive thematic analysis, with codes developed inductively and deductively from the theoretical framework in Section 2.

Ethics are central, not procedural. Following Herman's safety-first principle, interviews would begin with safety planning, confidentiality agreements, and referral pathways to psychosocial support, and would avoid requiring participants to recount sexual violence in detail to qualify as knowers. Participants would be offered co-authorship or collective attribution options, and findings would be returned to associations for validation before publication — a practice consistent with survivor-led research ethics in northern Uganda (Woldetsadik et al., 2022). The hypothetical findings reported below are therefore presented as an analytic synthesis of the published literature and of documented survivor-led practice, organised through the three-part test developed in Section 5. They are not presented as verbatim quotations from a completed 36-interview dataset.

Table 2. Proposed qualitative design. This table describes a design to be implemented, not completed fieldwork.:

Design element	Proposed specification (hypothetical)
Paradigm	Postcolonial feminist, participatory, trauma-informed
Sampling	Purposive, stratified: 18 Rwanda + 18 northern Uganda; association leaders and legal practitioners
Method	Oral-history interviews (60–90 min), focus-group validation, document review of policy and reparations orders
Analysis	Reflexive thematic analysis; member-checking with associations
Ethics	Safety-first; voluntary disclosure; anonymisation; referral pathways; return of findings
Limitation	Hypothetical design; findings below are literature synthesis, not new empirical claims

4.1 What Survivor-Led Associations Do: Four Functions

Across the literature, survivor-led associations perform four functions that formal mechanisms rarely combine. First, they provide peer support that is itself a form of healing. In northern Uganda, women identified peer support from other survivors as a key coping mechanism, precisely because peers did not require a legal narrative or a demonstration of innocence (Woldetsadik et al., 2022). In refugee and post-conflict settings, collective healing as activism — breaking the spell of silence through group solidarity — has been documented among male survivors as well (Edström & Dolan, 2019). The group, in this account, is not a waiting room for justice; it is justice, insofar as it restores belonging.

Second, associations translate between legal and communal worlds. They help survivors understand ICC reparations, national policy, and customary processes, while also helping lawyers and policymakers understand what survivors mean by repair: school fees for children born of rape, land access, health care for chronic reproductive injuries, and recognition of children's identity and belonging. That translation work is evident in WAN's advocacy and in the work of the Justice and Reconciliation Project in Gulu.

Third, associations govern evidence. Rather than treating a single courtroom testimony as the decisive evidentiary moment, they curate collective archives: oral histories, memorial lists, community testimonies, and documentation of harms that courts deem too diffuse to adjudicate, such as loss of livelihood, marital breakdown, and intergenerational stigma. Those archives can later inform reparations claims, memorialisation, and truth-telling, but they are governed by survivors, with decisions about who may access them and for what purpose.

Fourth, associations sustain intergenerational work. Children born of war — in northern Uganda, children born in LRA captivity — face stigma that condemns them to a status of exclusion years after conflict ends (Kiconco, 2022). Survivor-led groups advocate for those children's access to education, identity documents, and clan belonging, and they challenge the patriarchal norms that make a child's legitimacy depend on paternal recognition. In Rwanda, intergenerational work takes different forms, including support for children born of genocidal rape and for survivors ageing with chronic health conditions, but the logic is the same: repair must outlive the trial.

5. A Three-Part Test for Survivor-Led Legitimacy

To move from description to evaluation, this article proposes a three-part test. A transitional justice mechanism is survivor-led in a meaningful sense only if survivors exercise control over (1) agenda, (2) evidence, and (3) repair. Table 3 applies the test comparatively.

Control over agenda means survivors decide which harms are prioritised, which forums are used, and when disclosure occurs. Formal mechanisms typically invert that control: prosecutors select charges, judges set timetables, and truth commissions define mandates. The Ongwen reparations process illustrates both the promise and the limit: survivors' views were solicited, but the final award — €52.4 million, symbolic individual payments plus collective measures — was determined by judges, with implementation delegated to the Trust Fund for Victims. Survivor-led associations, by contrast, set agendas that include livelihoods, health, and children's belonging alongside criminal accountability.

Control over evidence means survivors decide what counts as proof and how testimony is given. Formal evidentiary standards — corroboration, consistency, medical documentation — systematically disadvantage CRSV survivors, whose injuries may have healed, whose witnesses may be dead or hostile, and whose trauma affects memory. Survivor-led archives and collective testimonies broaden the evidentiary base: patterns of harm, community knowledge, and lived experience are treated as evidence, not as background. That broadening does not lower standards; it pluralises them, so that legal proof and social truth can coexist without one cancelling the other.

Control over repair means survivors decide the form, distribution, and timing of reparations. Transformative reparations theory insists that repair should address structural inequalities, not merely restore a prior, unequal status quo (Rubio-Marín, 2009; Nairobi Declaration, 2007; Chappell, 2017). In practice, that means prioritising collective measures — health clinics, schools, memorials, land and livelihood support — alongside individual payments, and ensuring that reparations do not reproduce stigma by requiring survivors to publicly identify as rape victims to receive them. Survivor-governed reparations funds, community-managed collective projects, and survivor seats on reparations boards are institutional mechanisms that embody that control.

Table 3. Three-part test for survivor-led legitimacy. Applied in Section 5 to Rwanda and northern Uganda.:

Test	Formal mechanism (typical)	Survivor-led mechanism (aspirational)
1. Agenda	State / prosecutor / court sets mandate and timetable	Association sets priorities, timing, and forum
2. Evidence	Narrow legal proof; single testimony as decisive	Plural evidence: oral history, collective archive, pattern evidence
3. Repair	Individual compensation determined by court / state	Survivor-governed mix of individual + collective, transformative repair

Figure 1 visualises the argument in illustrative form. It does not report survey data. It synthesises the literature's assessment that formal mechanisms leave high residual barriers — delays, stigma, narrow evidence, absence of holistic repair, and unaddressed intergenerational harm — while survivor-led mechanisms, where active, mitigate but do not eliminate those barriers. The figure should be read as a heuristic for the three-part test, not as an empirical measurement.

Figure 1. Formal barriers and survivor-led mitigation — illustrative synthesis.:

Source: *author's synthesis of Brounéus (2008; 2010), Porter (2012), Woldetsadik et al. (2022), and Chappell (2017). Values are illustrative, not empirical measurements.*

Applied to Rwanda, the test explains why Akayesu's legal precedent did not translate into lived repair: survivors had little control over agenda (ICTR prosecutorial strategy), evidence (adversarial testimony), or repair (no comprehensive reparations programme followed). Applied to northern Uganda, the test explains why the Ongwen award, though historic, must be judged by implementation: will survivors govern the Trust Fund's collective projects, or will they be consulted after decisions are made? Will the National Transitional Justice Policy create a survivor-governed reparations fund, or will it remain vague on financing? The test thus provides a yardstick for advocacy: any reform that does not increase survivor control on at least one dimension is unlikely to be experienced as justice, however legally sound it appears.

6. Policy Implications and Conclusion

Four implications follow. First, reparations design should institutionalise survivor governance: survivor-majority boards, transparent criteria, and a mix of individual and collective measures that do not require public self-identification as a CRSV survivor. The Ongwen collective measures — rehabilitation and memorialisation — point in that direction, but they require survivor control in implementation, not only in consultation. Second, truth-telling should be sequenced trauma-informatively: safety and peer support before public testimony, confidential options as a right, and psychosocial support that continues after testimony, as Brounéus's findings on retraumatisation demand. Third, memorialisation should be community-centred and survivor-governed, linking memory to material repair: a memorial without health care or school fees risks becoming a monument to unmet promises. Fourth, intergenerational support should be explicit: children born of war need identity, education, and belonging, and survivors ageing with chronic conditions need sustained health care, not time-limited projects.

The article's central claim is therefore both normative and practical. Normatively, survivor-led transitional justice is not a second-best alternative to courts; it is a more complete conception of justice, because it treats survivors as authors, not witnesses. Practically, it is the mechanism through which formal awards become real: peer groups sustain survivors through long procedures, translate legal outcomes into community terms, and hold states and international bodies accountable for implementation. Rwanda and northern Uganda show that legal precedent and large reparations awards are necessary but insufficient. Without survivor-governed agenda, evidence, and repair, transitional justice risks reproducing the very hierarchies it claims to dismantle. With survivor leadership, it can become a process through which survivors, their children, and their communities rebuild belonging on terms they themselves define.

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