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JUSTICE ON OUR TERMS:
INTRODUCING MOVEMENT SERVICES TO SPARK COLLECTIVE MOBILIZATION AMONG SURVIVORS OF WARTIME SEXUAL VIOLENCE

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Survivors of wartime sexual violence have a unique set of needs, as compared to other victims of violence, post-conflict. Despite the prevalence of sexual violence in wartime, existing transitional justice mechanisms, particularly court systems and truth commissions, have done a poor job of addressing these needs. This status quo must be addressed, and yet survivors of sexual violence rarely have the political power required to influence the design and mandates of transitional justice mechanisms. This study introduces movement services (direct services which "reflect and advance" a movement's ideology, mission or organizational structure) and worker centers, small organizations in the United States which organize workers in the informal economy. Through interviews with employees at worker centers around the country, this study explores how these organizations use movement services. By introducing power-building tools, fostering critical analysis, and emphasizing agency throughout their direct services, worker centers encourage collective mobilization among a highly marginalized population. This study argues that this model can and should be adopted by the existing network of direct service providers serving survivors of wartime sexual violence in post-conflict environments. Equipped with the skills this model provides, survivors of wartime sexual violence have a better chance of influencing transitional justice mechanisms and obtaining justice.

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I. Introduction

Internal conflicts, like genocides and civil wars, leave devastation in their wake. The toll of these wars is felt by individuals grieving what and who they have lost but also borne by the very foundations of society. Government institutions are hollow, any existing social contract has long been ruptured, and normalcy seems alien and unachievable. And somehow, despite the grief and fracture, communities riven by conflict must find a way back to functioning. Since the mid-1990s,[1] formal transitional justice mechanisms have been established to assist with this herculean task. These ad hoc courts, truth and reconciliation commissions, and reparations programs (among other efforts of varying formality) work to "ensure accountability, serve justice, and achieve reconciliation."[2]

When there has been significant sexual violence during wartime, this process of repair and justice is even more challenging. Victims of sexual violence are unique because, unlike many other survivors of wartime violence, the atrocities they have experienced often come with the heavy burden of shame. In their study of male victims of sexual violence in Uganda, Jerker Edstrom and Chris Dolan describe the "immediate and radical sense of displacement from the self and even from humanity" that sexual violence causes.[3] These emotional consequences do not diminish after the conflict has ended; instead they extend into peacetime.[4] The injustice of the act itself is compounded by the social isolation and stigma it begets. Female victims who disclose

[1] Christine Bell, "Transitional Justice, Interdisciplinarity and the State of the 'Field' or 'Non-Field,'" *The International Journal of Transitional Justice* 3 no. 1 (March 2009): 7.
[2] United Nations, Security Council, *The rule of law and transitional justice in conflict and post-conflict societies: report of the Secretary-General*, S/2004/616 (23 August 2004), available from https://www.un.org/ruleoflaw/files/2004%20report.pdf.
[3] Jerker Edstrom and Chris Dolan, "Breaking the Spell of Silence: Collective Healing as Activism amongst Refugee Male Survivors of Sexual Violence in Uganda," *Journal of Refugee Studies* 32, no. 2 (June 2019): 180.
[4] Judith Lewis Herman, "Justice From the Victim's Perspective," *Violence Against Women*, 11, no. 5 (May 2005): 579-580.

sexual violence are afraid they will be shunned by their family or larger community, never marry or be discarded by their husbands, or experience reprisal from ex-combatants who have moved back into the area.[5] Male victims fear that they will be labelled homosexual and thus be treated as a social pariah, or even be subject to criminal prosecution in countries were homosexuality is illegal.[6]

For female victims, sexual violence carries socioeconomic consequences in addition to psychological and physical ones.[7] A female genocide survivor in Rwanda told researcher Lars Waldorf, "'We've gotten used to the genocide; it's daily life that's the problem.'"[8] Families and communities often withhold monetary support from female family members who have been raped. This fiscal detachment has particularly stark consequences if the survivor's husband has died during the genocide. Female survivors of wartime sexual violence are thus often left in charge of caring for their children with no income and slim potential of finding work (particularly in rural areas).[9] Women who become pregnant as a result of wartime rape face an even more dramatic set of troubles. They often experience severe mental health struggles stemming from the agonizing decision of whether to abort the fetus or carry the pregnancy to term and risk stigmatization for themselves and their child (including the possibility of their husband leaving).[10] Faced with all of these potential consequences, it is unsurprising that

[5] Colleen Duggan and Adila Abusharaf, "Reparation of Sexual Violence in Democratic Transitions: The Search for Gender Justice," in *The Handbook of Reparations* ed. Pablo de Greiff (Oxford: Oxford University Press, 2006), 628.
[6] Will Storr, "The rape of men: the darkest secret of war," *The Guardian*, July 16, 2011, https://www.theguardian.com/society/2011/jul/17/the-rape-of-men.
[7] Rosemary Nagy, "Transitional Justice as a Global Project: critical reflections," *Third World Quarterly* 29, no. 2 (January 2008): 285-86.
[8] Lars Waldorf, "Anticipating the Past," *Social & Legal Studies* 21, no. 2 (April 2012): 175.
[9] Duggan and Abusharaf, "Reparation of Sexual Violence," 628.
[10] Susan Bartels et al., "Surviving Sexual Violence in Eastern Democratic Republic of Congo," *Journal of International Women's Studies* 11, no. 4 (2010): 42-43.

survivors frequently have enormous difficulty discussing what has been done to them, leading to a "shroud of silence" surrounding sexual violence.[11]

This reluctance to talk openly about these experiences makes it significantly more difficult to create and establish justice mechanisms for this population. As it stands, most transitional justice mechanisms do a poor job at addressing the unique needs of sexual violence survivors, leaving such individuals without a sense of healing or justice. Further, even if transitional justice mechanisms do attempt to incorporate cases involving sexual violence, they have not done so in a manner which undertakes to change the entrenched gendered hierarchies that allowed sexual violence to occur. Transitional justice mechanisms often prioritize re-introducing law and order or fostering reconciliation, without integrating programs which undertake to change financial inequalities or combat the pervasive shame which often burdens survivors of sexual violence. This leaves survivors of sexual violence, particularly women (the population which this thesis will focus on), in similar or worse social, economic and political positions to those they were in pre-conflict – that is to say, vulnerable to continued violence and exploitation. This is particularly unfortunate because there is a unique opportunity for true transformation immediately after the end of a genocide or civil war. In this moment, culture, society, norms and institutions are at their most malleable.[12] In destruction, there is potential – potential to rebuild in a manner which is serious and efficacious in its pursuit of equality. This moment is fleeting and once a new order is introduced, it calcifies quickly. The stakes are high and transitional justice mechanisms ought to be designed to help survivors of wartime sexual violence take advantage of this moment.

[11] Duggan and Abusharaf, "Reparation of Sexual Violence," 628.
[12] Ali Mari Tripp, *Women and Power in Postconflict Africa* (Cambridge: Cambridge University Press, 2015), 236.

They are failing to do so because they are not being built with the specific needs of sexual violence survivors in mind. Like any nascent institution, transitional justice mechanisms are formed through negotiation. Local power-players, civil society organizations, and religious groups jostle for the representation of their interests within parameters set by international organizations and non-governmental organizations (NGOs).[13] Sexual violence survivors, as a group, do not have the political power to influence the construction of post-conflict programming.[14] This sets up an unfortunate cycle: without power, survivors of sexual violence cannot shape transitional justice mechanisms, which are then constructed with mandates that do not meaningfully disturb entrenched, gendered power structures. Given that survivors of wartime sexual violence are outside the traditional halls of power, grassroots collective mobilization is likely required for them to gain influence over the mandates and operations of transitional justice mechanisms.

There are existing organizations in post-conflict areas that do directly assist survivors of wartime sexual violence. These organizations offer services (such as medical, psychological or financial assistance) and/or education (on how to get government assistance, make a legal claim or interact with transitional justice programs). Can the services and education that are already being provided to survivors of wartime sexual violence serve as a conduit to the collective mobilization required to influence transitional justice mechanisms? There is some research (and robust practice) regarding the question of whether services and rights-based education can lead

[13] Tine Destrooper and Stephan Parmentier, "Gender-Aware and Place-Based Transitional Justice in Guatemala: Altering the Opportunity Structures for Post-Conflict Women's Mobilization," *Social & Legal Studies* 27, no. 3 (2018): 325; Simon Robins, "Transitional Justice as an Elite Discourse: Human Rights Practice Where the Global Meets the Local in Post-Conflict Nepal," *Critical Asian Studies* 44, no. 1 (2012): 4.
[14] *See* Anne Menzel, "The pressures of getting it right: Expertise and victims' voices in the work of the Sierra Leone Truth and Reconciliation Commission," *International Journal of Transitional Justice* 14, no. 2 (2020).

to mobilization as such. However, to my knowledge, these insights have never been applied to a post-conflict setting nor to mobilizing survivors of sexual violence.

In this thesis, I introduce movement services, direct services designed and implemented in a manner which "reflect[s] and advance[s]" a movement's ideology, mission or organizational structure.[15] This model of service provision has been adopted in the United States by worker centers, local groups that organize (mainly immigrant) low-income workers in the informal economy. I focus on worker centers in this thesis because I believe they represent the most comprehensive model for relying on movement services to organize a highly marginalized population.

Using interviews with 10 staff members at worker centers across the country, I analyze how worker centers incorporate movement services, particularly in their programs for human rights education and legal assistance, and how gender shapes movement service participation and provision. I then apply the insights from the work of these organizations to a post-conflict environment, for survivors of wartime sexual violence, and argue that the worker center model of movement services is well-suited to this context and population. This thesis will demonstrate that if existing organizations adjust their approach to providing essential aid, survivors of wartime sexual violence may be able to use their services as the foundation for building sufficient political power to shape transitional justice mechanisms to integrate gender justice and meet their needs.

II. Literature Review

Transitional Justice for Survivors of Wartime Sexual Violence

Survivors of wartime sexual violence have long interacted with transitional justice

[15] Ann Withorn, "To Serve the People: An Inquiry into the Success of Service Delivery as a Social Movement Strategy" (PhD diss., Brandeis University, 1978), 56.

mechanisms, but their unique set of needs have usually not been addressed. This failure is due to a myriad of factors, beginning at the foundations of such mechanisms. Most large-scale justice policies are gender-blind in their creation and application, which is inconsistent with the reality that men and women experience violence and its lasting effects differently.[16] If gender justice policies are incorporated, they usually focus heavily on gender parity and the power of representation and inclusion.[17] Too often, recommendations from transitional justice recommendations follow the same pattern: add women to existing structures and institutions.[18] This type of proposal does not fundamentally renegotiate the meaning of citizenship for female survivors. It does little to create opportunity structures that women, or other marginalized groups, can reliably use to make rights-claims or assert other demands.[19] Marie Berry and Milli Lake illustrate that relying on programs which measure gender equality using tools like quotas fail to disrupt the underlying systems which have caused patriarchy, such as capitalism and militarism.[20]

Justice which is accessible and meaningful to local survivors is also essential, particularly for survivors of wartime sexual violence. This is another area where past transitional justice programs have fallen short. In post-conflict settings, there is understandable pressure to create initiatives which align with 'international standards' in order to outwardly indicate a society's return to law and order. This pressure often leads to the introduction of international donors, organizations, and consultants who tend to influence the construction and mandate of transitional justice mechanisms. This gaggle of outsiders can easily drown out the voices and interests of

[16] Duggan and Abusharaf, "Reparation of Sexual Violence," 623-624.
[17] *Id*. at 462.
[18] Emily Rosser, "The Messy Practice of Building Women's Human Rights: Truth-telling and Sexual Violence in Guatemala," *Latin American Policy* 6, no. 1 (2015): 69.
[19] Tripp, *Women and Power*, 19.
[20] Marie Berry and Milli Lake, "Women's Rights After War: On Gender Interventions and Enduring Hierarchies," *Annual Review of Law a*nd Social Science 17 (October 2021): 468.

survivors.[21] A justice mechanism that is constructed without care, thoughtfulness, or input from the victim (especially in a patriarchal society) may be more detrimental to the psychological and physical safety of the survivor than no redress at all. Programs which do meaningfully incorporate input from survivors have heightened legitimacy, integrate societal social structures, and center the problems the local population actually face, along with relevant solutions.[22]

Many transitional justice scholars offer frameworks that would ensure accessibility and relevance to survivors; most of these include a call for "local" justice. Hollie Nyseth Brehm and Shannon Golden propose that local transitional justice mechanisms ought to (1) meaningfully incorporate survivors throughout the transitional justice process (Nyseth Brehm and Golden stress survivor agency and power) and (2) "prioritize[]" survivor outcomes.[23] Patricia Lundy and Mark McGovern call for the participation of local people at "every stage in the process including: conception, design, decision making, and management."[24] They stress that large-scale inclusion of this nature will lead to a transfer of power "from the dominant, decision-making people and institutions to those who are subordinated" within the healing society. [25] Numerous scholars echo these refrains,[26] yet most transitional justice mechanisms fail to be survivor-centric in practice.

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[21] Dustin Sharp, *Rethinking Transitional Justice for the Twenty-First Century: Beyond the End of History* (Cambridge: Cambridge University Press, 2018), 11.
[22] Hollie Nyseth Brehm and Shannon Golden, "Centering Survivors in Local Transitional Justice," *Annual Review of Law and Social Science* 13 (July 2017): 109-110.
[23] *Id.* at 102.
[24] Wendy Lambourne, "Transformative justice, reconciliation and peacebuilding," in *Transitional Justice Theories* ed. Susanne Buckley-Zistel, Teresa Koloma Beck, Christian Bruan and Friederike Mieth (Oxfordshire: Routledge, 2015), 19.
[25] Patricia Lundy and Mark McGovern, "Whose Justice? Rethinking Transitional Justice from the Bottom Up," *Journal of Law and Society* 35 (May 2008): 266.
[26] *See e.g.* Wendy Lambourne, "Transitional Justice and Peacebuilding after Mass Violence," *International Journal of Transitional Justice* 3, no. 1 (2009): 39; Morgan Brigg, "Culture: Challenges and Possibilities" in *Palgrave Advances in Peacebuilding: Critical Developments and Approaches*, ed. Oliver Richmond (Hampshire: Palgrave Macmillan, 2010); Rosalind Shaw and Lars Waldorf, *Localizing Transitional Justice: Interventions and Priorities after Mass Violence* (Stanford: Stanford University Press, 2010).

Below, I illustrate how two common transitional justice mechanisms, courts and truth commissions, have overwhelmingly fallen short of both Nyseth Brehm and Golden's and Lundy and McGovern's criteria and left the needs of survivors of wartime sexual violence unaddressed.

Courts

Ad-hoc courts are often set up in the aftermaths of intra-societal conflicts to hear cases regarding human rights violations, such as the International Criminal Tribunal for the former Yugoslavia (ICTY), the *gacaca* courts in Rwanda, or the mobile gender court program in the Democratic Republic of Congo.[27] Reinstating the rule of law is unquestionably essential to the process of transitional justice. This promotes fairness, stability, and rationality, along with marking the end of an era of impunity. Trials often prevent perpetrators from returning to positions of power, help end the cycle of reprisals and prevent societies from relying on summary justice.[28] Punishment is a central aspect of these juridical mechanisms; by punishing past wrongs, the new regime symbolically distances itself from the old.[29]

However, one difficulty with legalistic justice is that it is largely impossible to give each survivor their day in court, particularly if trials are conducted at the international level. Claims must be prioritized, and too often those involving sexual violence fall to the bottom of the heap due to evidentiary concerns.[30] For example, although estimates cite the number of women raped during the Balkan Wars as between 20,000 and 60,000,[31] the ICTY convicted only 32 people on

[27] "Democratic Republic of Congo Mobile Gender Courts," *Open Society Justice Initiative* (July 19, 2011), available at https://www.justiceinitiative.org/publications/fact-sheet-democratic-republic-congo-mobile-gender-courts.
[28] Alexander Boraine, "Transitional Justice: A Holistic Interpretation," *Journal of International Affairs* 60, no. 1 (Fall/Winter 2006): 23.
[29] Ruti Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2002), 34.
[30] Rama Mani, "Rebuilding an Inclusive Political Community After War," *Security Dialogue* 36, no. 4 (December 2005): 515.
[31] Kate Nahapetian, "Selective Justice: Prosecuting Rape in the International Criminal Tribunals for the Former Yugoslavia and Rwanda," *Berkeley Women's Law Journal* 14, no. 1 (1999): 129 (20,000); Mark Ellis, "Breaking the Silence: Rape as an International Crime," *Case Western Reserve Journal of International Law* 38, no. 2 (2006-2007): 226 (60,000).

sexual violence charges.[32] Since 2002, the ICC has successfully convicted only one individual with sexual violence.[33] These numbers are, frankly, embarrassing.

Domestic courts (such as the *gacaca* courts in Rwanda) are far more accessible to a larger number victims; however, local attitudes stigmatizing victims of sexual violence may prevent women from pursuing their case. In Rwanda, for example, very few women came forward with sexual violence claims during the *gacaca* pilot program.[34] When asked about sexual violence survivors bringing cases at *gacaca*, the president of IBUKA, a domestic women's rights organization, responded, "'*Gacaca* is public. You cannot say you've been raped in public – that's humiliating…Some young girls have married and their husbands don't know, their children don't know.'"[35] The most successful attempt at prosecuting wartime sexual violence, in my view, were the mobile gender courts, set up by the American Bar Association and Open Society in the Easternmost provinces in the Democratic Republic of Congo. they could charge defendants with crimes under international law and conduct full war crimes and crimes against humanity trials without leaving local makeshift courtrooms, where trials were conducted in a tent and anyone was invited to watch.[36] In its first 36 months of operation in South Kivu province, 20 sessions were held and 382 cases were heard, with 204 rape convictions, 82 convictions for other

[32] "In Numbers," United Nations International Criminal Tribunal for the Former Yugoslavia, September 2016, https://icty.org/en/features/crimes-sexual-violence/in-numbers.
[33] ICC, Prosecutor v. Ntaganda, ICC-01/04-02/06, Judgment (Jul. 8, 2019), https://www.icc-cpi.int/CourtRecords/CR2019_ 03568.PDF; ICC, Prosecutor v. Ntaganda, ICC-01/04-02/06 A A2, Appeals Judgment (Mar. 30, 2021), https://www.icc-cpi.int/ CourtRecords/CR2021_03027.PDF.
[34] Emily Amick, "Trying International Crimes on Local Lawns: The Adjudication of Genocide Sexual Violence Crimes in Rwanda's *Gacaca* Courts," *Columbia Journal of Gender and Law* 20, no. 2 (2011): 63-64.
[35] Lars Waldorf, "Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice," *Temple Law Review* 79, no. 1 (Spring 2006): 63.
[36] Michael Maya, "Mobile Courts in the Democratic Republic of Congo: Complementarity in Action?" in *Innovations in Rule of Law: A Compilation of Concise Essays*, published in support of the High-Level Meeting of the UN General Assembly on the Rule of Law on September 24, 2012, ed. by Juan Carlos Botero, Ronald Janse, Sam Muller and Christine Pratt, 34, available at https://worldjusticeproject.org/sites/default/files/mobile_courts_in_the_democratic_republic_of_congo_ma ya.pdf.

offenses, and 67 acquittals.[37]

Survivors who do have their cases heard may continue to feel dissatisfied. Legal processes are not victim-centered, they are perpetrator focused. Once a legal procedure begins, victims can "experience a loss of control, reactivation of emotional pain, and a realization that their voices are not guaranteed to be heard."[38] The law requires a linear description of the hard facts of what occurred.[39] Side effects of post-traumatic stress of rape include an inability to speak about the incident or fully remember what occurred, skipping over facts victims judge to be irrelevant or remember the experience differently over time.[40] Struggling with this type of storytelling is natural, yet in a legal context it can twisted to instead be an indication of a lack of credibility. Victims are regularly re-traumatized while testifying,[41] particularly during cross-examination. At the ICTY, for example, defense counsel would exploit witness' difficulties narrating their assault in a linear, clear fashion (a well-known effect of severe trauma) and attempt to discount the validity of the account or pathologize their behavior.[42] In domestic courts (given the more public nature of testimony), survivors of sexual violence may be intimidated by members of their community before, during, and after testifying. Survivors of sexual violence who testified at *gacaca* reported being degraded, insulted and yelled at while testifying, and experiencing vandalism and threats of physical violence to them and their children afterwards.[43]

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[37] "Justice in DRC: Mobile Courts Combat Rape and Impunity in Eastern Congo," *Open Society Foundations*, 3, available at https://www.justiceinitiative.org/uploads/972ab1f9-fae9-49d0-b098- b5238433a859/justice-drc-20130114.pdf.
[38] Cheryl Regehr and Ramona Alaggia, "Perspectives of Justice for Victims of Sexual Violence," *Victims & Offenders* 1, no. 1 (2006): 44.
[39] Nicola Henry, "The Impossibility of Bearing Witness: Wartime Rape and the Promise of Justice," *Violence Against Women* 16, no. 10 (October 2010): 1106.
[40] Julie Mertus, "Shouting from the Bottom of the Well: The Impact of International Trials for Wartime Rape on Women's Agency," *International Feminist Journal of Politics* 6, no. 1 (March 2004): 120.
[41] Sahla Aroussi, "'Women, Peace and Security': Addressing Accountability for Wartime Sexual Violence," *International Feminist Journal of Politics* 13, no. 4 (2011): 579.
[42] Mertus, "Shouting from the Bottom of a Well," 121.
[43] *See* Karen Brounéus, "Truth-Telling as Talking Cure? Insecurity and Re-traumatization in the Rwandan *Gacaca* Courts," *Security Dialogue* 39, no. 1 (March 2008).

Other aspects of juridical justice also prove disappointing. Trials are elongated, slow affairs[44] and survivors often feel as though the sentence imposed is far too lenient.[45]

Finally, both international and grassroots legal mechanisms tend to focus on individual criminal responsibility rather than structural or societal issues. Solely relying on individual trials leads to a narrow conception of justice which neglects to punish violations of economic and social rights and leaves broader systems of inequality and exploitation in place.[46] Thus, approaches which rely on individual accountability are particularly unsuited to addressing sexual violence.

Truth Commissions

Another common model for transitional justice mechanisms is the truth commission, such as those set up in South Africa, Peru and Guatemala. Truth commissions are understood to be "cathartic"[47] or "healing"[48] for the populations they serve because they often offer an outlet for marginalized groups to be heard and for their suffering to be officially acknowledged. In restoring dignity to the victims and personalizing accounts of violence, truth commissions foster societal reconciliation.[49] They focus less on individual accountability and more on mutual acknowledgement and tolerance. The testimonies delivered at truth commissions can be quilted together to tell a rich and complex story of the conflict which incorporates victim and perpetrator

[44] Bronwyn Anne Leebaw, "The Irreconcilable Goals of Transitional Justice." *Human Rights Quarterly* 30 no. 1 (February 2008): 114.
[45] Regehr and Alaggia. "Perspectives of Justice for Victims of Sexual Violence," 37.
[46] Sharp, *Rethinking Transitional Justice*, 173.
[47] Gregory Jowdy, "Truth Commissions in El Salvador and Guatemala: A Proposal for Truth in Guatemala," Boston College Third World Law Journal 17 (1997): 287.
[48] Anne Menzel, "The perils of recognizing local agency: a situational concept of agency and the case of victims of sexual violence and the Sierra Leone Truth and Reconciliation Commission," *Journal of International Relations of Development* 23, no. 3 (September 2020): 600.
[49] Louise Vella, "Documenting Women's Experiences of Conflict and Sexual Violence: On the Ground with the Solomon Islands Truth and Reconciliation Commission," in *Transitional Justice in Practice*, ed. Renée Jeffrey (London: Palgrave Macmillan, 2017), 141.

voices. Such bodies democratize history by including the truths of "forgotten victims in forgotten places."[50] Because truth commissions are portrayed as impartial, their concluding recommendations can have significant political influence. New governments can easily capitalize on these suggestions and institute meaningful reforms.[51]

Unfortunately, given the historic lack of rigorous gender-based protocols in truth commissions and compounded by the shame associated with disclosing sexual violence, rape and other forms of sexual assault tend to be under-reported at truth commissions.[52] In the Solomon Islands, only 3% of the human rights violations reported to the truth commission were sexual in nature.[53] Of the 21,000 statements delivered to the South African commission, only 140 mentioned rape.[54] This is particularly damaging given that societies often look to truth commissions to compile a complete or representative record of human rights violations. If testimonies regarding sexual violence are not included in truth commissions, they may be erased in collective memory.[55]

Truth commissions have begun to integrate gender-based protocols in order to encourage more women and survivors of sexual violence to testify. These include women-only hearings or the ability to give statements anonymously. In South Africa, these changes were introduced after pressure campaigns from women's organizations, illustrating that it is possible for marginalized

[50] Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 2010), 60.
[51] Mark Vasallo, "Truth and Reconciliation Commissions: General Considerations and a Critical Comparison of the Commissions of Chile and El Salvador," *The University of Miami Inter-American Law Review* 33, no. 1 (2002): 159.
[52] Office of the United Nations High Commissioner for Human Rights, "Rule of Law Tools for Post-Conflict States: Truth Commissions," HR/PUB/06/1, 2006.
[53] Vella, "Documenting Women's Experiences," 155.
[54] Ayumi Kusafuka, "Truth Commissions and Gender: A South African case study," *African Journal on Conflict Resolution* 9, no. 2 (2009): 47.
[55] Beth Goldblatt and Sheila Meintjes, "Dealing with the aftermath: sexual violence and the Truth and Reconciliation Commission," *Agenda: Empowering Women for Gender Equality* 36 (1998): 7.

groups to have influence over such mechanisms.[56] However, the overall concept of reconciliation based on public (or even private) truth-telling might not be an suitable fit for this population.[57] Victims who choose not to testify cite fear of retaliation, stigmatization or victim-blaming.[58] Perpetrators and survivors often remain in close proximity after the conflict concludes and, given that amnesty is a frequent precondition for establishing truth commissions, survivors often feel as though it is not worth the consequences *they* would face if they came forward.[59] Those who do testify before truth commissions often come away wanting. One, the lonely act of "breaking the silence" does not lead to broader reconciliation if "there is no clear demarcation between harm suffered during a conflict and ongoing violence that women experience as part of their daily life," as is often the case with sexual violence.[60] Two, most commissions do not offer tangible resources to ameliorate the hardships caused by the conflict.[61] Three, even if truth commissions are able to garner testimony that robustly includes instances of sexual violence, their broader efficacy relies on people in power paying attention to such experiences. Truth commissions may issue recommendations, but they often do not have the power to ensure that these proposals are met.

Collective Mobilization

In order to create transitional justice mechanisms which meaningfully address the needs of survivors of wartime sexual violence, such survivors must make their voices heard among the cacophony of government officials, international experts, lawyers, global NGOs and other

[56] *Id.* at 8-9.
[57] Vella, "Documenting Women's Experiences of Conflict and Sexual Violence," 158.
[58] *Id.*
[59] Alison Crosby and M. Brinton Lykes, "Mayan Women Survivors Speak: The Gendered Relations of Truth Telling in Postwar Guatemala," *International Journal of Transitional* Justice 5 (2011): 462.
[60] Lia Kent, "Narratives of Suffering and Endurance: Coercive Sexual Relationships, Truth Commissions and Possibilities for Gender Justice in Timor-Leste," *International Journal of Transitional* Justice 8 (2014): 291.
[61] Menzel, "The perils of recognizing local agency," 601.

domestic lobbies pushing for transitional justice programs to reflect their interests.[62] Many sexual violence survivors are women or members of the queer community – populations which already lack political power in many societies. As I have detailed above, most transitional justice mechanisms have stumbled in their attempts to address wartime sexual violence in a survivor-oriented manner. Elements of victim participation are included in most transitional justice mechanisms, but victims "only become participants via selection and mobilization procedures of which they are *neither actors nor drivers*."[63] In order to garner enough influence to impact the construction and mandates of transitional justice mechanisms on their own terms, I argue that survivors must turn to collective action.

Collective action relies on mobilization – defined by Charles Tilly as "the process by which a group goes from being a passive collection of individuals to an active participant in public life."[64] Individuals or groups must first become aware of how their experiences, social conditions, or political status relates to systemic forms of injustice or oppression.[65] This awareness becomes the motivation for "purposeful and effective action," often termed organizing.[66]

Paulo Freire's work on critical pedagogy grounds most scholarship regarding cognitive mobilization. For Freire, mobilization is sparked by the oppressed's critical engagement with their environment and circumstances.[67] This type of engagement is brought about through education. Liberatory education ought to build a sense of power, agency, and responsibility

[62] Menzel, "The perils of recognizing local agency," 599.
[63] Menzel, "The pressures of getting it right," 300. Emphasis added.
[64] Charles Tilley, *From Mobilization to Revolution* (Boston: Addison-Wesley, 1978), 69.
[65] Shawn Ginwright, "Peace out to revolution! Activism among African American youth," *Young: Nordic Journal of Youth Research* 18, no. 1 (2010): 87.
[66] Zhe Jiang and Marek Kroczynski, "When the 'unorganizable' organize: The collective mobilization of migrant domestic workers in London," *Human Relations* 69, no. 3 (2016): 819.
[67] Paulo Freire, *Pedagogy of the Oppressed* (London: Continuum, 1970), 45, 49.

within the oppressed.[68] It must invite an interrogation of status quo and include a robust history of organized struggles for liberation.[69] It also must be highly participatory. Freire and his longtime friend Miles Horton, founder of the Highlander Folk School, both eschew the presence of experts in the classroom. Too often, oppressed peoples are taught to turn to experts in moments of need.[70] Instead, liberatory education should be used to lead the oppressed to find solutions within and for themselves. Critical engagement fosters reflection, reflection spurs action, action spurs further reflection, and "a climate of hope and confidence develops which leads [the oppressed] to attempt to overcome" systems of oppression.[71] Doug McAdam builds off Freire, theorizing that cognitive mobilization occurs when (1) people who normally accept the authority of rules begin to question the legitimacy of those institutional arrangements and their rulers; (2) people who used to believe in the inevitability and immobility of these institutional arrangements begin to realize their rights and demand a change; and (3) people who ordinarily consider themselves powerless and hopeless begin to believe that they have the capacity to change their situation.[72]

Most existing research focuses on legal mobilization – how legally encoding rights can initiate cognitive and political mobilization processes.[73] Mobilization can also occur, however, within civic organizations and (as Freire illustrates) through education. There is very little comprehensive research on how, or whether, direct services can be the first step towards broader mobilization. This thesis begins to address this gap.

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[68] Paulo Freire and Miles Horton, *We Make the Road by Walking* (Philadelphia: Temple University Press, 1990), 125.
[69] *Id.* at 49, 54.
[70] Freire and Horton, *We Make the Road*, 120, 130
[71] Freire, *Pedagogy of the Oppressed*, 99-100.
[72] *See* Doug McAdam, "Micromobilization contexts and recruitment to activism," *International Social Movement Research* 1, no. 1 (1988).
[73] *See e.g.* Michael McCann, *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (Chicago: University of Chicago Press, 1994).

Post-Conflict & Gendered Mobilization

Society's structures are unusually plastic in post-conflict periods.[74] Understandings of rights, citizenship, and justice can be expanded to include people and issues previously excluded. Victimized groups can pressure the nascent state and international apparatus into recognizing and enforcing human rights. This holds true for gender-related issues as well. Research has shown that social networks transform during and immediately after intra-state conflicts – including (but not limited to) gender norms and relations at the local level.[75] Violence usually causes dramatic demographic disparities, requiring that women take on new societal roles.[76] Post-conflict periods are unique; there are few other moments with such potential for true societal transformation. Post-conflict periods are typical, too; getting your demands met still requires social clout, political voice, or economic power.

Incredibly, despite damaged social networks and nonexistent resource reserves, collective mobilization does occur in post-conflict settings.[77] Communities that have experienced high levels of conflict-related violence engage in higher levels of collective mobilization and political participation than their compatriots in more peaceful regions. Further, regions with a higher level of wartime sexual violence see increased rates of protest activity *among women*.[78] In one of the few studies that focuses on the development and impact of this mobilization, Marie Berry

[74] Berry and Lake, "Women's Rights After War," 461.
[75] *See* Elizabeth Wood, "The social processes of civil war: The wartime transformation of social networks," *Annual Review of Political Science* 11, no. 1 (2008).
[76] Anne-Katherine Kreft, "Responding to sexual violence: Women's mobilization in war," *Journal of Peace Research* 56, no. 2 (2019): 220.
[77] Marie Berry, "From Violence to Mobilization: Women, War, and Threat in Rwanda," *Mobilization* 20, no. 2 (June 2015): 136.
[78] Kreft, "Responding to sexual violence," 221.

tracked female mobilization in Rwanda beginning in 1994. Post-genocide, women began self-organizing into small, informal "self-help" groups, building new social networks and gradually increasing their engagement with public, political institutions. Eventually (and often successfully) the leaders of these groups ran for political office.[79] A number of women's groups also emerged in Sierra Leone during and after the war, including organizations with memberships that spanned socioeconomic groups.[80] 'Women for Peace,' an organization in the Solomon Islands, was formed during the civil war and lobbied among government and community leaders.[81] In each of these examples, mobilization occurred in an untraditional manner: women organized themselves into small, scattered groups "outside of the formal political realm."[82]

Female-led mobilization has largely been focused on pushing for women's representation in government and advocating for democratization more broadly. This type of organizing (carving out space for women in the existing public sphere) does erode some gender roles. However, as Berry acknowledges, it does not shift society's underlying hierarchies. Women in governmental roles are often seen as peacemakers, suitable for governing because of their motherly dispositions.[83] Uglier gender-based issues, such as sexual violence, have remained in the shadows. This may change sometime in the future. Research shows that even unrelated political organizing among women may have the potential to aid survivors of sexual violence. Movements can have "spillover" effects: "collateral benefits that help to address the causes and

[79] Berry, "From Violence to Mobilization," 136.
[80] Menzel, "The perils of recognizing local agency," 598.
[81] Vella, "Documenting Women's Experiences of Conflict and Sexual Violence," 153.
[82] Berry, "From Violence to Mobilization," 136.
[83] *Id.* at 144-145.

consequences of a proximate social issue that is too dangerous to explicitly target[.][84] Thus far, the effect of women in government on mobilization focused on sexual violence has not been measured. Nevertheless, the link between the two is reasonable.

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Past transitional justice mechanisms, whether they be courts or truth commissions, have fallen well short of meeting the needs of survivors of wartime sexual violence. These programs cannot be jerry-rigged to hear sexual violence claims. They must be designed with this distinct population in mind, which (given pervasive gendered social and political dynamics) will likely require some form of collective mobilization from survivors themselves. In the following section, I introduce a model that uses direct services to initiate collective mobilization. Survivors of wartime sexual violence require and seek direct services, making this model relevant to this population.

III. Movement Services & Worker Centers

Plenty of non-governmental organizations offer direct services, and for good reason. The provision of services is often motivated by a desire to mitigate suffering; marginalized populations globally have an immense need for all types of assistance, whether it be food pantries, free health clinics, or vocational training. Organizations working among vulnerable populations must fulfill basic needs rapidly and on a large scale. The hope is that once basic needs are met, people will have the mental or financial capacity to hold down a job, complete

[84] Anjuli Fahlberg, Maya Valasquez, Harper Wise and Tori Simon, "Tangential Movements: How feminist organizing against gender-based violence offers an alternative avenue for protesting drug violence in Latin America," *World Development* 161 (2023): 3.

their education, or leave an abusive environment. Direct services are necessary, practical and ubiquitous.

Movement services are direct services designed and implemented in a manner which "reflect[s] and advance[s]" a movement's ideology, mission or organizational structure.[85] There are two prongs to this definition. First, the reflection of ideology. Per Ann Withorn, who coined the term, "the service activity should provide a way for movement members to develop and live their politics."[86] Movement services are inherently political. They fulfill needs in a manner which aligns with their movement's broader values and goals. All movements are fighting for an alternate vision of the future; beneficiaries of movement services get to experience a small slice of that future. Second, advancement. Movement services facilitate "meaningful interchange between [existing] movement members and potential or new adherents."[87] This interpersonal interaction, combined with leadership development and critical analysis skills (which are often embedded into movement services), transforms individuals from beneficiaries of a service into active participants in the organization and leaders in their communities. Using reflection and advancement, movement services are deliberately constructed to be the first step towards mobilization.

Movement services have a long past but a short history. There is very little academic scholarship on movement services, with the exception of Withorn's dissertation *To Serve the People*. In it, Withorn offers four case studies of movement services: the Black Panther Party's community breakfasts and liberation schools; the United Farm Workers assistance with housing,

[85] *Id.* at 56.
[86] *Id.* at 508.
[87] *Id.*

immigration and welfare; employment services from Students for a Democratic Society; and the health services provided by various organizations in the Women's Liberation Movement.[88]

In the late 1970s, a new type of organization began popping up in urban centers throughout the country – in a crowded apartment building in Manhattan's Chinatown,[89] in dusty El Paso,[90] among Black workers in the Carolinas.[91] These initial worker centers, along with the thousands that have been established with a similar model over the next 40 years, had movement services at their core.

Worker Centers

Worker centers are membership-based organizations made up of workers in the informal economy that are excluded from trade unions or exempt from United States labor protections.[92] Unlike traditional collective bargaining organizations, worker centers are not associated with a particular industry. Instead, worker centers represent and engage all informal workers in a given geographic area, whether they be day laborers, employed in garment factories, line cooks and bus boys, or domestic workers.[93] Unsurprisingly, due to systemic racial capitalism in the United States, most informal workers are immigrants or Black Americans. Worker centers thus operate at the intersection of overlapping marginalization (due to race, language, citizenship, gender, education, and class). Their missions often reflect this intersectionality by reaching beyond the

[88] *See* Withorn, "To Serve the People," 4.
[89] "History," Chinese Staff and Workers' Association, accessed December 20, 2023, https://www.cswa.org/?page_id=126&lang=en.
[90] "About," La Mujer Obrera, accessed December 20, 2023, https://www.mujerobrera.org/about.
[91] Janice Fine, "Worker Centers: Organizing Communities at the Edge of the Dream," *NYLS Law Review* 50, no. 2 (January 2006): 423.
[92] Janice Fine, "Worker Centers," *Race, Poverty & the Environment* 14, no. 1 (2007): 54.
[93] Victor Narro, "¡Sí Se Puede! Immigrant Workers and the Transformation of the Los Angeles Labor and Worker Center Movements," *Los Angeles Public Interest Law Journal* 1 (2008-2009): 88.

world of work – Damayan Migrant Workers Association in New York, for example, "empowers low-wage workers to fight for their labor, health, gender and immigrant rights."[94]

Like more traditional collective bargaining outfits, worker centers organize their members. Organizing efforts include establishing and enforcing a minimum wage for day laborers getting picked up on a certain street corner or creating local domestic worker cooperatives that insist upon fair labor standards. Due to their (usually modest) size, broad walkouts and strikes are unlikely, but other direct action strategies are used, like picketing in front of a landscaping business that is withholding pay. Like unions, worker centers also advocate for the interests of their members in city council hearings and state capitols. Legislation such as the Domestic Workers' Bill of Rights (encoded in 10 states and the District of Columbia)[95] and AB 60 in California (which grants drivers licenses to undocumented immigrants[96]) were proposed and supported by worker centers.

Unlike other traditional labor unions, direct service provision is a core element of worker centers. This is motivated by the sheer need for immediate and substantive assistance among the communities they engage. George Escobar, the Chief of Programs and Services at CASA, estimates that 70% of its members came to the organization initially for services.[97] The centers know that community members will be drawn to them because of the services they offer and seek to take advantage of this point of contact.[98] They do this by constructing services that are

[94] "About," Damayan Migrant Workers Association, accessed December 20, 2023, https://www.damayanmigrants.org/about.
[95] "Domestic Workers Bill of Rights," National Domestic Workers Alliance, accessed December 20, 2023, https://www.domesticworkers.org/programs-and-campaigns/developing-policy-solutions/domestic-workers-bill-of-rights/.
[96] The Safe and Responsible Drivers Act, AB 60, 2013-2014 Leg. Chap. 524 (C.A. 2013).
[97] George Escobar (Chief of Programs and Services, CASA), interviewed by the author, Baltimore, Maryland, September 26, 2023.
[98] Ysrael Quezon (Fund Development Coordinator, Filipinos for Justice), interviewed by the author, San Francisco, California, November 7, 2023.

symbiotic with organizing and advocacy.[99] As Escobar states, "The theory of change at CASA is that through integrating our services work with our policy work and our organizing is how we really create… social change."[100] Jennifer Gordon, former Executive Director at the Workplace Project, agrees; she sees the center's services as "part of th[e] organizing effort."[101] This approach echoes Withorn's belief that services, when they "embody the alternative values of [a] movement" in both conception and delivery, can assist in *building* the movement.[102]

Worker centers, however, want to quickly dispel any notion that they are just service providers.[103] Their overall missions call for systemic change and their organizing and advocacy work requires collective action. This has two consequences: one, only their members can access the full suite of services offered; and two, worker centers deliberately construct direct services to promote agency, critical analysis and empowerment.

Membership

Worker centers are membership-based organizations. Membership structures vary: usually members must pay annual dues, often less than $50 (as is the case at WeCount! in Florida[104] and Centro Humanitario in Colorado[105]). At all centers, members are expected to dedicate time back to the organization, through joining a committee, participating in meetings or attending an action. This makes worker centers uniquely participatory organizations. They rely

[99] Janice Fine, *Worker Centers: Organizing Communities at the Edge of the Dream* (Ithaca: ILR Press, 2006), 95; Oscar Londoño (Executive Director, WeCount!), interviewed by the author, Homestead, Florida, October 30, 2023; Escobar, interview; María Marroquin (Executive Director, Day Worker Center of Mountain View), interviewed by the author, Mountain View, California, October 26, 2023.
[100] Escobar, interview.
[101] Jennifer Gordon, "We Make the Road by Walking: Immigrant Workers, The Workplace Project, and the Struggle for Social Change," *Harvard Civil Rights-Civil Liberties Law Review* 30, no. 2 (Summer 1995): 430.
[102] Withorn, "To Serve the People," 507-508.
[103] Quezon, interview.
[104] Londono, interview.
[105] Mayra Juarez-Denis (Executive Director, Centro Humanitario), interviewed by the author, Denver, Colorado, October 27, 2023.

on internal democracy to ensure that their membership is involved in decision-making at every level. At CASA and the Workplace Project, for example, members join committees which set the advocacy agenda, plan the direct actions or define the organization's overarching goals.[106] At Centro Humanitario, when Mayra Juarez-Denis joined as Executive Director, she met with every single one of their members, one on one, to ask how the organization could better meet their needs. Just the practice of democratic involvement in running an organization has an effect on the workers. "In all these conversations," Juarez-Denis reported, "you start developing the sense of agency, the sense of, like, I'm in charge of my own life and my work life and my economic life." [107] Director María Marroquin told me a story of a member going to check out the Day Worker Center's new building:

> One of the workers said, 'no, I'm kind of concerned. What if the police see me around the building and said, what am I doing there?'... And I say, 'well, you just need to identify yourself that you are one of the owners, so the center is yours, belongs to you, and you are owner of this property.' And then you should see his eyes. I am the owner.[108]

Membership expectations are introduced before or while the worker receives direct services. This sets the expectation that the purpose of worker centers is not to offer charity,[109] but to support a community in their pursuit of systemic change. The workers welcome this structure. Juarez-Denis, the director of Centro Humanitario, kept hearing the same refrain from her members: "We're sick of la despensita."[110] Literally, la despensita is a bag of basic pantry staples politicians in Northern Mexico hand out when they're campaigning in poor areas. Figuratively,

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[106] Escobar, interview; Jennifer Gordon, *Suburban Sweatshops: The Fight for Immigrant Rights* (Cambridge: Harvard University Press, 2007), 122-23, 134.
[107] Juarez-Denis, interview.
[108] Marroquin, interview.
[109] Escobar, interview; Londono, interview; Juarez-Denis, interview; Jennifer Gordon (John Feerick Professor of Law, Fordham University; former Executive Director, Workplace Project), interviewed by the author, Brooklyn, New York, October 2, 2023.
[110] Juarez-Denis, interview.

it refers to power-players providing surface-level assistance and assuming that they will be thanked and rewarded. Juarez-Denis had an offer from a foundation for $500,000 in gift cards. The workers did not want it. They wanted investment to create their own small businesses, learn new job skills, or to be able to afford a house in a nicer neighborhood.[111] Gift cards are a flimsy tool if the task is uprooting the established socioeconomic hierarchy.

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In addition to their membership model and commitment to internal democracy, worker centers use the actual services they provide to further their missions. Centers across the country creatively design their services to promote agency, critical analysis and empowerment.

Human Rights Education

The array of services that worker centers across the county offer is vast, but there is one universal. All worker centers provide some version of Know Your Rights trainings. Like the centers themselves, these trainings are often developed and led by worker-members and incorporate significant participation among attendees. The approach is quite different from other know-your-rights trainings.

Most typical rights trainings provide thorough and accurate information on the legal protections that apply to their audience. They often focus on outlining the process through which individuals may file a grievance. There are three cavernous gaps in this type of human rights education: one, an acknowledgement that many populations regularly have their rights violated without any remedy; two, a reckoning with the fact that grievance processes are slow, tedious and unlikely to change the status quo;[112] and three, the reality that not all human rights are legally encoded. These three gaps have particular resonance with informal workers. Workers in

[111] *Id*.
[112] Gordon, interview; Londono, interview; Marroquin, interview.

informal economies are being structurally exploited. It may be symbolically meaningful for individual workers to pursue individual actions to have their rights respected on a case by case basis, but it is a futile understanding of rights for organizations pursuing societal change.

Instead, worker centers use rights and rights-based education more creatively. Rights are used as an organizing tool. Rights help to build a collective identity: when workers from different communities (religious, ethnic or country of origin) or industries see others being exploited in a similar way it builds comradery and helps orient workers away from individual solutions and towards collective ones.[113] After a collective identity has been built, rights provide the motivation to organize. Workers often "organically" [114] use the language of rights when discussing "their own understanding of what they're entitled to by virtue of simply existing." [115] It is often enraging when they discover that (as I discussed above) there is often a gap between the rights the workers list and those protected legally. The educational programming at worker centers anticipates this mismatch and addresses it directly. Centro Humanitario frames its Know Your Rights trainings as "the world as it is, and the world as it should be."[116] The centers then provide historical, political, and economic contextualization for this gap, helping workers construct a critical analysis of their positionality.[117] Once workers identify that a human right they hold is being violated systemically and en masse, their organizing and advocacy missions are clear.

Take a training on wage theft at WeCount!, for example. The session begins with an icebreaker: a game of musical chairs with a twist – some people have the ability to amass

[113] Gordon, *Suburban Sweatshops*, 156.
[114] Londono, interview.
[115] *Id.*
[116] Juarez-Denis, interview.
[117] *Id.*; Gordon, *Suburban Sweatshops*, 125.

multiple chairs. This game "project[s] the inequity of our economic system" and forces participants, from the outset of the training, to think about how an entire system can be unjust. In debriefing the game, the WeCount! facilitators introduce a discussion about American political economy, weaving together information on capitalism and immigration. Only then do they introduce wage theft – but not as a legal issue, as a political and economic one.[118] Participants are invited to share their experiences of wage theft and in this process "people begin to understand this isn't just a me issue, it's a we issue."[119] At this point, WeCount! informs the participants that wage theft is a violation of their legally protected workplace rights. In discussing responses, however, they do not emphasize finding a lawyer and filing a complaint. Instead they prefer responses which emphasize workers' agency and build empowerment. They role play initial demand calls, provide templates for demand letters and outline work site actions. The goal, as Executive Director Oscar Londono told me, is to help participants see what it would look like for "workers to recruit other workers who are facing [the same issue]" and address it themselves.[120]

Another example: at the heart of the Workplace Project, a worker center in Hempstead, Long Island, is an eight week course open to members of the community (the course is free; graduates become members).[121] The course teaches immigration and labor history in the U.S., labor rights, organizing techniques, and leadership skills (such as public speaking). The course was "designed to move participants from a sense that the abuse they had suffered was an *individual* occurrence, the result of their own ignorance or bad luck, to a broader understanding

[118] Londono, interview.
[119] *Id.*
[120] *Id.*
[121] Gordon, "We Make the Road by Walking," 436.

of exploitation as a *systemic* problem that required a collective solution."[122] Like WeCount!'s training, it emphasizes analysis, agency, and action outside of the law.[123] Both trainings are emblematic of the type of educational programs worker centers offer; the curriculums interweave a discussion of rights with an analysis of power.[124]

Legal Clinics

Many informal workplaces regularly violate workplace safety, anti-discrimination and anti-harassment laws, and wage theft is a pervasive issue. Filing an official complaint or initiating a legal case is the most effective way to return lost wages and defend other rights on an individual basis. Few cities outside of New York, Chicago, Los Angeles and San Francisco have robust legal aid infrastructures in place to assist workers, so many worker centers have in-house legal clinics.[125] These clinics attract potential members to centers, but they also present issues for worker centers. Pursuing change through legal avenues does not always align with a center's broader organizing and advocacy. Cases must be treated on an individual basis, siloing workers.[126] Success is usually going to be limited; any internal policy change by the employer is likely to be narrow and focused on avoiding legal liability. And even if a barrage of lawsuits inspires change in legislation, legal protections only have limited reach in the informal economy.[127]

Traditional legal clinics also significantly hamper leadership development. Legal clinics do not provide workers with the tools to respond themselves the next time their rights are violated. Instead, as Gordon explains, the worker "has learned that she should seek out a lawyer

[122] Gordon, *Suburban Sweatshops,* 126-127.
[123] Gordon, "We Make the Road by Walking," 435.
[124] *See* Huerta, interview; Escobar, interview.
[125] Londono, interview.
[126] Rebecca Livengood, "Organizing for Structural Change: The Potential and Promise of Worker Centers," *Harvard Civil Rights-Civil Liberties Law Review* 48 (2013): 327.
[127] Gordon, "We Make the Road by Walking," 439-441.

to solve her problems" and that they, alongside others in the professional class, will know how to combat exploitation better than herself.[128] This deemphasizes the worker's knowledge, power, and agency in their own lives and privileges band-aid solutions which do not shift existing power dynamics. Further, workers who do pursue legal cases often have high potential as organizers, given that they are motivated enough to overcome the risks of going forward with a claim. If and when their case is won, however, the worker no longer requires the support of the clinic and often leaves their workplace. Their colleagues, less proactive to begin with, see no benefit from the singular legal action. Gordon bluntly states, "By 'paying off' the bravest and most determined workers with a settlement or an award, the…legal program plays the role of the employer who decapitates an organizing effort by making a deal with its leaders."[129]

To many worker centers, offering legal services is a non-negotiable (because of the simple need in the community and its effectivity as a recruitment technique).[130] So, legal services must be turned into movement services. Mostly, this is done simply by restricting full legal representation to those who are members and requiring that members participate in the center's activities outside of the legal sphere. This guards against losing those workers that have shown initiative in bringing their grievance to the center once their case has concluded and transforms legal services into a mechanism to identify potential leaders.[131] Centers may also provide legal services without presenting them as the de facto option. At the Workplace Center, for example, workers seeking legal services meet with a lawyer and an organizer to discuss their experiences and outline a broad array of next steps.[132]

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[128] *Id.* at 438.
[129] *Id.* at 439.
[130] Ayman Sherif (Executive Director, Center for Worker Justice of Eastern Iowa), interview with the author, Iowa City, Iowa, November 9, 2023.
[131] Londono, interview
[132] Gordon, "We Make the Road," 438-442.

In addition, worker centers align their legal services with their organizing and advocacy goals. Because they are a repository of individual cases, worker centers are well-positioned to transform isolated events into opportunities for collective action by noticing a buildup of violations at a specific workplace and organizing against the business or identifying a trend of shared experiences and mobilizing around a certain issue (the use of harmful chemicals, for example).[133] WeCount! goes even further – they will only take cases that regard the issues they are already organizing around and heavily prioritize cases that have multiple plaintiffs.[134] Due to the nature of the legal field, it may not be possible to emphasize agency or foster empowerment through legal clinics on their own. However, with this approach, legal services and collective action can be symbiotic.

Gender at Worker Centers

Women workers face multiple oppressions, making it difficult to organize female laborers. Gordon, working in the mid-1990s, identified that the "double load" of workplace and domestic duties often left neither time nor energy to organize. Childcare responsibilities and transportation concerns (such as feeling unsafe waiting for a bus at night) often obstructed meeting attendance. Finally, male family members were often opposed to such involvement.[135] Unfortunately, these are common themes across the literature: Mary Beth Mills, in her study of union organizing among female migrant workers in Bangkok, found that most of the older organizers were unmarried and many others had stopped organizing once they began a serious relationship. Male partners were disapproving not only of the nighttime travel and increased

[133] Fine, *Worker Centers*, 99; Londono, interview.
[134] Londono, interview.
[135] Gordon, "We Make the Road by Walking," 431.

domestic duties they were tasked with, but also the "kind of physical boldness and outspoken confidence that are required" for various organizing activities.[136]

In the years since Gordon's work, some of these patterns have remained stubbornly entrenched and others have shifted. Membership numbers overall are usually quite evenly split between men and women.[137] At Centro Humanitario, Juarez-Denis has not noticed any variation in commitment across gendered lines regarding economic development issues: "[everyone] wants to feed their kids."[138] She has noticed a difference in willingness to pursue the mental health services the organization provides: women are more comfortable asking for help. Jessica Huerta, at CHIRLA, found that women often instigated their family's relationship with the organization: "A lot of our women are more curious, they're more outspoken and share what they feel…men are usually not going to reach out to you unless the wife is behind or the mother is behind or the sister is behind."[139] According to Huerta, most of the calls CHIRLA received on their hotline were from women, and women showed up to events more consistently and in higher numbers than men.[140] Marroquin has had a similar experience at The Day Worker Center. According to her, women are more reliable and consistent, better organized, and the men follow their lead.[141]

On the other hand, the labor market is still quite segregated along gender lines.[142] This can sometimes make it difficult for centers to break into female-dominated industries. WeCount! is having difficulty incorporating plant nursery workers, mostly Mayan women from Guatemala,

[136] Mills, "From Nimble Fingers to Raised Fists," 133-134.
[137] Escobar, interview; Juarez-Denis, interview; Claudia Lainez (Worker' Center Coordinator, COPAL), interview with the author, Minneapolis, Minnesota, November 2, 2023.
[138] Juarez-Denis, interview.
[139] Huerta, interview.
[140] *Id.*
[141] Marroquin, interview.
[142] Escobar, interview.

into their membership. Women who do interact with centers do so differently than men. At CASA, Escobar has noticed that women are much less likely to take advantage of the organization's employment services, instead preferring their social services. (CASA is in the midst of conducting an internal audit to determine why this is the case.)[143] Londono, at WeCount!, noticed similar trends in recent years and launched an internal review. Gathered through extensive one-on-one conversations, its findings echoed Gordon's from three decades before. Childcare responsibilities often kept women from attending, so WeCount! began offering childcare at their meetings. WeCount! also partnered with a local organization to provide gender-based violence counseling to address power differences within the household. With these efforts, WeCount! is attempting to build the social support its female workers need in order to demand things of their male partners. Its goal is not simply to provide services, but to create an environment where everyone can also "participate meaningfully."[144] This requires dedication, flexibility, and a willingness to read between the lines when engaging female workers.

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Worker centers rely on movement services to engage informal workers in a manner which cultivates agency, critical analysis, and empowerment. This embrace of movement services shifts the manner in which centers approach human rights education and legal services in particular.

IV. Discussion

I do not propose that movement services or a full embrace of the worker center model replace any aspect of post-conflict transitional justice programs. Ushering a society from a state

[143] Escobar, interview.
[144] Londono, interview.

of war to one of peace, rebuilding government and civil society, and bringing justice and reconciliation to survivors is a mammoth task which requires every tool at our disposal, traditional or experimental. Instead, I highlight movement services in order to strengthen direct service provision, an already existing piece of the post-conflict landscape. In post-conflict environments, a network of direct service providers usually emerges. With movement services, this network could be the foundation upon which the most marginalized victims can build to eventually achieve the justice they are due.

Local Transitional Justice

Movement services, the model of direct service provision used by worker centers, shares many core tenets with transitional justice mechanisms, particularly those that are local. As discussed above, there are several definitions of "local" in the transitional justice field. Most stress meaningful survivor participation, prioritizing outcomes sought by survivors (as opposed to outcomes imported by international organizations and NGOs), and embedding grassroots power-building into the mechanisms.[145] I will address these conditions in turn.

Movement services are participatory. Plenty of direct service provision relies on a charity model, with organizations as providers and vulnerable populations as beneficiaries. This quickly establishes an imbalanced power dynamic between the organization and the people it serves. The beneficiaries do not have direct influence over which services are offered or how they are provided. Within this model, the provider also has a monopoly over the infrastructure of service provision. If the provider leaves the area, or switches its focus to another population, it takes this infrastructure with it, leaving the resident population hamstrung in its efforts to continue providing services. Movement services use participation to avoid the harmful

[145] *See* Nyseth Brehm and Golden, "Centering Survivors in Local Transitional Justice," 102, 109-110; Lambourne, "Transformative justice, reconciliation and peacebuilding," 19.

provider/beneficiary dynamic and all of its side effects. There are various forms of participation baked into movement services, particularly as constructed by worker centers.

First, and most obvious, is the membership structure. By providing services only to members, worker centers ensure that the communities they engage buy into (either monetarily or with their time) the infrastructure used to provide direct services. This upends the provider/beneficiary duality; the beneficiaries have substantial control over the provision of services, meaning that if the provider (the founders of the center, for example, or even the organization's funders) were to leave, the services would not necessarily leave with them.

Taking a less literal approach, movement services are also participatory in that they allow communities to experience and participate in an alternate version of society, often one which is more equitable and just. These can be small adjustments: CASA's insistence that its staff provide high quality services and prioritize genuine relationship-building with the communities they engage[146] makes for a distinctly different experience than petitioning a bureaucratic public benefits office operating in a language which is not your own. Or movement services can be a window into a completely new world: attending a Know Your Rights training and learning that, with certain tools in hand, you and your community have the power to fight for the fulfillment of your needs, as you define them yourselves, instead of relying on a labyrinthine process which may take years, heavily relies on outsider knowledge and expertise, and is not likely to impact your day to day life. Many movement services include undercurrents of community-building: the discussions in education programs, free meals served at the centers, co-ownership of property. This creates a network whose members begin to define themselves and their roles in society differently. It's not just that the services are designed to center discussion-based activities, or that

[146] Escobar, interview.

community members deliver the services themselves, it is also that in participating in movement services, communities are participating in the transformation of their worlds.

Perhaps unsurprisingly, thanks to the multiple layers of participation in the worker center model, these organizations do an excellent job prioritizing outcomes sought by survivors, the second element of local transitional justice mechanisms. In many worker centers, members must serve on formal steering committees, which determine the type and method of aid, allowing them to tailor the organization's offerings to the needs of the community. Even those organizations without formal committees, like Centro Humanitario, are highly worker-focused, as evidenced by the hundreds of one-on-one conversations Juarez-Denis, the executive director, has held with her members. At larger worker centers, like CASA and CHIRLA, members vote to determine the agendas for their advocacy departments in their entirety.[147] Further, many of the services provided by worker centers (including but not limited to community education, vocational trainings and other job assistance, and medical clinics) are intended to assist participants to achieve their preferred outcomes both within *and outside of* the centers.

Finally, movement services meaningfully contribute to grassroots power-building. This is one of the model's two primary aims (alongside getting resources to people who need them) and is embedded in each aspect of service delivery. This is particularly true at worker centers – movement services are designed to reflect and further an organization's ideology through their provision and the aim of worker centers is grassroots power-building. In fact, the ethos of worker centers is to turn the concrete need for resources into an introduction to grassroots power-building. The reliance on internal democracy and insistence on participation may feel somewhat symbolic, but it is power-building. It cultivates a sense among members that they deserve agency

[147] Escobar, interview; Huerta, interview.

over their own lives. The community-building that occurs at worker centers also fosters bottom-up mobilization. Individuals who may never become activists on their own can be motivated by their peers to participate in group actions. As I discussed in the prior chapter, worker centers also include concrete power-building tools and opportunities throughout their service offerings. Human rights education, discussed in depth below, includes organizing techniques, public speaking pointers, or strike tactics. Some centers collectively own their buildings, so that when workers become members they also become property owners. Finally, simply having access to resources that one would otherwise lack is power-building, as it alleviates the constant burden of scarcity and allows individuals to participate more fully in society.

Legal Clinics

In post-conflict environments, legal and governmental processes (either filing a case or submitting another type of claim to the state) are usually presented as the primary avenues for rights-fulfillment. Thus, survivors of wartime sexual violence do seek legal services. Regretfully, these victims face similar issues to those informal workers navigate while attempting to use legal avenues to realize their rights. Any governmental processes will be slow-moving and any reward will be delayed months or years. Legal proceedings, in particular, are complicated and require industry specific know-how, which survivors often lack. And, for both populations, evidentiary issues present demoralizing obstacles. Trials do have a place in transitional justice programs, but, regretfully, they do not touch the lives of most victims (either through direct participation or through the effects of their rulings).

Unfortunately, the worker center model of legal services neither changes nor ameliorates any of the difficulties with juridical transitional justice spelled out in the literature review. However, the worker center model does provide insight on how organizations can approach legal

cases more creatively. As opposed to understanding legal cases as the primary mechanism through which rights can be realized, organizations may instead use them in other ways. Even if the cases go nowhere (the likely outcome, given the disastrous conviction numbers posted by the ICC and ad hoc courts), worker centers illustrate how legal services can have utility. Legal services in post-conflict areas, like at worker centers, will be sought-after, making them and attractive membership recruitment technique. They offer a way for organizations to amass information about rights abuses, which is helpful in sparking collective action or for advancing advocacy campaigns. Finally, they can serve as an introduction to broader political consciousness. Survivors pursuing legal services will be introduced to a community of others with similar experiences, be educated in a manner which increases agency and encourages power-building, and potentially be presented with tools that allow them to fight for change in their own lives, themselves.

Human Rights Education

Most traditional human rights education is grounded in two principles. First, that the experience of learning that one has encoded, protected rights is, by itself, empowering. This "consciousness-raising" model of rights-based education is the most commonly used in women's rights-related environments.[148] It is highly individualized and defines rights as those codified in existing international human rights instruments.[149] It prioritizes using individualized mechanisms (mostly institutional, see below) to pursue rights fulfillment.[150] This approach provides invaluable content and it is impactful for individuals to frame their experiences in terms of

[148] Nelly Stromquist, "Education as a means for empowering women," in *Rethinking Empowerment: Gender and Development in a Global/Local World* ed. Jane Parpart, Shirin Rai & Kathleen Staudt (London: Routledge, 2002): 28.
[149] Joanne Coysh, "The Dominant Discourse of Human Rights Education: A Critique," *Journal of Human Rights Practice* 6, no. 1 (March 2014): 90.
[150] Felisa Tibbitts, "Understanding What We Do: Emerging Models for Human Rights Education," *International Review of Education* 48, no. 3/4 (2002): 167.

rights.[151] However, raising awareness does little to increase the *capacity* of individuals or communities to actually achieve their rights.[152] Worker centers, on the other hand, provide a version of human rights education that deliberately includes capacity-building in its curriculum.[153] Learning about one's rights is a valuable exercise - it is just not enough on its own, particularly for women in violent, or recently violent, settings.[154]

I argue the worker center approach to human rights education is likelier to lead to empowerment and, thus, to rights fulfillment. I use Nelly Stromquist's thorough definition of empowerment, in which empowerment ought to "enhance the ability to act for change."[155] The focus on action sets this approach apart from the typical consciousness-raising curriculum. Per Stromquist, the four dimensions of empowerment are "the cognitive (critical understanding of one's reality), the psychological (feeling of self-esteem), the political (awareness of power inequalities and the ability to organize and mobilize) and the economic (capacity to generate independent income)." [156] None of these dimensions, on its own, is sufficient.[157] Learning that one has rights certainly impacts the cognitive dimension, and can begin to influence the psychological. However, traditional rights-based education is particularly weak in the political dimension – the capacity-building dimension.[158] Worker center human rights education, on the other hand, creatively frames rights as the impetus for capacity-building. It provides tools, such as creative organizing techniques, public speaking skills and demand letter templates. It also

[151] Coysh, "The Dominant Discourse," 106.
[152] *Id.* at 106; Tibbitts, "Understanding What We Do," 167.
[153] Srilatha Batliwala, "Taking the Power out of Empowerment: An Experiential Account," *Development in Practice* 17, no. 4/5 (2007): 563.
[154] Miranda Worthen et al., "'I Stand Like A Woman': Empowerment and Human Rights in the Context of Community-Based Reintegration of Girl Mothers Formerly Associated With Fighting Forces and Armed Groups" *Journal of Human Rights Practice* 2, no. 1 (2010): 65-69
[155] Stromquist, "Education as a means," 27.
[156] Stromquist, "Education as a means for empowering women," 25.
[157] *Id.* at 23.
[H] Human rights education has less relevance to the economic dimension of Stromquist's definition of empowerment.

offers leadership development and an opportunity to develop praxis (emphasizing labor and immigration history in order to encourage individuals to make links between themselves and larger systems, identity groups, and their own communities).

The second issue with traditional human rights education is that it promotes rectifying rights abuses through legal, governmental or bureaucratic avenues (like filing a grievance or submitting for victim compensation). This is the logical conclusion if rights are understood as individualized and institutional. Legal and governmental options certainly ought to be presented, but all too often the conversation ends there. As discussed above, there are major issues with these options – for survivors of wartime sexual violence in particular. The rights-based education at worker centers, on the other hand, is deliberately expansive. For example, in teaching about collective action, the curriculum emphasizes alternative avenues for communities to fulfill their rights.

To conclude, a collective action-based curriculum is foil to both traditional human rights education principles in several ways: (1) it emphasizes and provides the tools for action that originate from and are controlled by the survivors, as opposed to outside institutions; (2) it encourages pursuing justice as defined by survivors, whereas trials only result in punitive justice; and (3) the curriculum amplifies survivors' voices, agency and participation and, thus, has a higher chance of impacting their daily lives, their positionality within their communities, and future civic participation than consciousness-raising curriculums or trials.

Survivors of Wartime Sexual Violence

I argue that movement services, as delivered in the worker center model, will have particular resonance with survivors of wartime sexual violence. The model has been tested in the United States with low-income, immigrant workers in the informal economy: an extremely

vulnerable and relatively powerless sector of society. It has brought about agency, community, and political power in ways large and small. Wartime survivors of sexual violence are another highly marginalized group. These survivors are certainly in a drastically different context than the informal workers the model has been tested on. However, there is reason to believe that movement services and the worker center model would be adaptable. Both populations are in desperate need of services and will seek them out. Moreover, many of these services are the same: both populations are looking for financial aid or job training, assistance with petitioning the state about rights-abuses, and rights-based education.[159]

One of the most pervasive and most devastating side-effects of sexual violence is the shame and isolation it brings. Sexual violence has devastating effects on the individual victims, their relationship with others, and their understanding of their own society.[160] Most survivors of non-sexual violence may at least turn to their own communities and identity groups for support in their grief. Victims of sexual violence are often robbed of this comfort. There is deep shame that comes with sexual violence, fueled by examples of cruelty towards sexual violence survivors from their own families or friends. Many do not even disclose that they have been sexually assaulted for fear of ostracization. This isolation and the reluctance to self-identify as a survivor makes it difficult, if not impossible, to demand rights-fulfillment.

Any program which attempts to bring justice to survivors of sexual violence must not only address the harm directly caused by the rape, assault or torture itself, but also the wounds resulting from the rupture between the survivor and their world. Affirming survivors' core humanity is an oft forgotten, yet unquestionably foundational task for transitional justice

[159] Unlike the workers served by worker centers, survivors of wartime sexual violence also require medical care, which is discussed below.
[160] Regehr and Alaggia. "Perspectives of Justice for Victims of Sexual Violence," 34.

mechanisms. This requires social reconstruction, through which previously victimized individuals and groups are re-embedded into the fabric of society. Effective social reconstruction requires forging new social structures and different relationships from the pre-conflict norm.[161] It is inconceivable, given the weight of loneliness and stigma, to ask individual survivors to engage in social reconstruction on their own. Building social networks among fellow survivors or other peers is thus crucial.[162] These new communities can be sites of healing and processing for individuals as well as contributors to social reconstruction.[163]

Movement services at worker centers encourage social reconstruction and the affirmation of humanity. In order to achieve their organizing and advocacy goals, worker centers must use services to overcome the isolation commonly felt in marginalized communities and instead develop a shared ideology among their membership.[164] Some centers explicitly acknowledge the importance of cultivating a rich social fabric; one of the three organizing values for Filipino Advocates for Justice is *kapwa*, the "interconnectedness experienced in community."[165] Other centers are less explicit, but reach similar conclusions. The Day Worker Center, for example, offers free meals. Director Marroquin describes how "just to speak their language and be able to eat their food" at this community mealtime cultivates a sense of belonging and community.[166] This is a small example of how, when receiving services at a worker center, your dignity is prized and validated.[167] At centers, workers imagine together what a world would look like if

[161] Dean Ajdukovic, "Social Contexts of Trauma and Healing," *Medicine, Conflict and Survival* 20. no. 2 (2004): 128.
[162] *Id.* at 181.
[163] Stefan Jansen, et al., "The 'treatment gap' in global mental health reconsidered: sociotherapy for collective trauma in Rwanda," *European Journal of Psychotraumatology* 6, no. 1 (2015): 4.
[164] Gordon, *Suburban Sweatshops*, 115-116.
[165] Quezon, interview.
[166] Marroquin, interview.
[167] Huerta, interview.

they were treated justly. Rights-based trainings can provide a space where workers can discuss experiences that may be embarrassing to them with others who have experienced the same.[168]

As these examples illustrate, movement services are designed to combat shame and isolation through community-building, their repeated emphasis on agency, and their connection to broader ideologies and movements. All of this builds solidarity and support, and, eventually, helps motivate members of the community to mobilize.[169] This experience can embolden survivors of wartime sexual violence to see themselves as rights-holders, where they might not have otherwise.[170]

There are outstanding questions over how women, in particular, interact with movement services. (Although not all survivors of wartime sexual violence are women, most are.) There are certainly obstacles to women's mobilization in general, both within and outside of post-conflict areas. Women often face staunch resistance to participating in activist activities from their male family members, particularly husbands or boyfriends. While working with female migrant workers in Thailand, Mary Beth Mills repeated found that the longstanding female activists were unmarried and childless.[171] When asked why their peers had stopped showing up to organizing meetings, activists would report, "'Her *faen* [husband/partner] won't allow [it],' '[h]e doesn't like her going out at night on her own to meetings,' and '[m]en are afraid their friends will talk if they are left at home to take care of things while their wife goes out to do union work.'"[172]

My interviews indicated that worker centers, too, can encounter gender-related obstacles when working with female organizers, due to domestic duties, controlling male relatives and

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[168] Jessica Huerta (Community Education Programs Manager, CHIRLA), interviewed by the author, Los Angeles, California, October 20, 2023; Londono, interview.
[169] Marroquin, interview.
[170] Worthen, "'I Stand Like A Woman,'" 65-69
[171] Mary Beth Mills, "From Nimble Fingers to Raised Fists: Women and Labor Activism in Globalizing Thailand," *Signs: Journal of Women in Culture and Society* 31, no. 1 (2005): 133.
[172] *Id*. at 134.

issues with confidence in the public sphere. However, very few centers reported issues with women *seeking services* – in fact, most of my findings indicated that women feel emboldened to connect with centers when in need of help. These findings, in addition to the ample research on gendered mobilization in post-conflict areas reviewed above, indicate that survivors of sexual violence would feel comfortable seeking movement services.

Shortcomings

There are a handful of shortcomings to this model in general, and several more when it is manipulated to apply in post-conflict settings. As with all local, grassroots efforts, its effects are likely to remain contained to the local level. Small, membership-based organizations, like worker centers, are unlikely to have the resources to grow substantially. This limits the direct services they are able to provide, and the impacts of their organizing and advocacy efforts. This is not an ironclad rule: some centers, like CASA, which services 160,000 members,[173] have been able to expand. Other centers, like the Coalition of Immokalee Workers (CIW), have launched nationwide campaigns without expanding geographically. CIW's Fair Food Program has perhaps been the most successful national (and, as of recently, international[174]) campaign originating from a worker center. With participants like Walmark, McDonald's, Whole Foods, and Aramark agreeing to buy certain produce only from growers who have agreed to fair labor standards, minimum wages, and oversight,[175] the program illustrates the potential of this model. However, this reach and success are rare. The vast majority of centers remain dedicated to one geographic area and embrace the benefits and consequences of hyperlocal operation.

[173] Escobar, interview.
[174] "US Department of Labor Awards $2.5 Million Grant to Fuel Fair Food Program's International Expansion," Coalition of Immokalee Workers, February 15, 2023, https://ciw-online.org/blog/2023/02/us-department-of-labor-awards-2-5-million-grant-to-fuel-fair-food-programs-international-expansion/.
[175] "Campaign for Fair Food," Coalition of Immokalee Workers, last accessed December 20, 2023, https://ciw-online.org/campaign-for-fair-food/.

Hand in hand with the local nature of the work is decentralization. Worker centers across the country are delivering varying services, pursuing different advocacy goals and using diverse organizing tactics. A number of networks have emerged in an attempt to unite and harness worker center power, most notably the National Day Laborer Organizing Network[176] and the National Domestic Worker Alliance.[177] These larger networks have organizing and advocacy wings of their own, and often provide educational and advocacy materials, trainings and technical assistance to the centers in their networks. They have no say, however, over the operations at their member centers, leaving the landscape largely decentralized. In a hectic post-conflict environment, decentralization would likely be the norm. This hyper-locality may hamstring an effort to influence national or international transitional justice mechanisms.

The proposal to adapt movement services and elements of the worker center model to a post-conflict environment, for survivors of sexual violence, has three main shortcomings. Most worrisome are safety concerns. Embracing movement services may put providers and the individuals they engage at risk of harm or retaliation. Any power-building can be threatening at a moment where peace is fresh and fragile, even more so when its goals are to shift societal hierarchies. Safety planning measures may need to be taken, which could intimidate individuals out of seeking the assistance they require and thus hamstring the organization's most basic function.

Second, although survivors of wartime sexual violence certainly seek rights-based education, legal aid, and financial assistance, they also look to NGOs for medical care. This is a service that the majority of worker centers do not provide in house. It would therefore require a concerted effort to transform medical services into movement services without many examples to

[176] *See* National Day Laborer Organizing Network, last accessed December 20, 2023, https://ndlon.org/.
[177] *See* National Domestic Worker Alliance, last accessed December 20, 2023, https://www.domesticworkers.org/.

go off of. Third, it is necessary that organizations who provide movement services also have organizing and advocacy opportunities at the ready, for if they did not then all of the momentum built during the service provision would be wasted. It would be an overstep to suggest that each service provider in post-conflict areas also build organizing and advocacy divisions. However, they could develop relationships with organizations which have this focus. This would certainly require dedicated resources and result in an increased workload for already strapped providers. Luckily, potential partnership organizations do exist, and may even be easy to find. As discussed in the literature review, post-conflict environments see a wave of NGO formation, grassroots organizing, and advocacy. In Rwanda, for example, in the three years post-genocide, 15,400 new organizations were founded by women alone.[178]

V. Conclusion

Post-conflict periods are messy and complicated: there is unfathomable destruction, grief, and anger, but out of this darkness comes the potential for true societal transformation. These moments of opportunity, opportunity to shift gendered hierarchies, reestablish norms and achieve meaningful justice for marginalized communities, are fleeting and rare. Transitional justice mechanisms, if they are constructed with care and intention, can usher in new societal orders and enforce them throughout their tenure. Unfortunately, time and time again, transitional justice mechanisms have failed to prioritize gender justice, leaving survivors of gender-based violence (including sexual violence) in similar socioeconomic and political positions post-conflict than they were pre-conflict. This is a grave, disappointing pattern.

[178] Marie Berry, *War, Women and Power: From Violence to Mobilization in Rwanda and Bosnia-Herzegovina* (Cambridge: Cambridge University Press, 2018), 87.

This study offers one solution to disrupt this unacceptable status quo. Movement services, as implemented by worker centers in the United States, satisfy basic needs while providing the tools for meaningful empowerment. Armed with the hard skills, critical analysis, and agency movement services promote, informal workers in the U.S. have pursued their human rights through collective mobilization. Their efforts have been impactful locally and nationally, resulting in changes in legislation, buy-in from mega-corporations and elevated labor standards. Although movement services have not been tested in post-conflict environments, for survivors of wartime sexual violence, this thesis argues that there is ample reason to believe that the model, if adopted, would be effective. Movement services share the core elements of local transitional justice mechanisms; they are participatory, prioritize survivor outcomes, and include grassroots power-building. There is also evidence, from worker centers, that women respond positively to movement services.

This study opens the door to a robust debate regarding implementation. The two major steps for realization of movement services in post-conflict areas identified in this paper are training and partnership-building. The existing direct service organizations, a decentralized group which includes international NGOs and spontaneous community efforts, would need to be trained on the movement services model. This would require extensive and consistent outreach and logistical orchestration, alongside buy-in from key players in the industry. Although the shift would require a large upfront cost, it would eventually result in services that are more effective (input from the local community encourages interest and commitment), sustainable (due to participation from the membership), and impactful (even if individuals do not collectively mobilize, movement services contribute to social reconstruction). This network would also have to collaborate significantly with the adjacent network of organizing and advocacy organizations

that emerges post-conflict. This second network is likely to be willing to cooperate: partnerships will help these nascent groups gain members and legitimacy.

Despite these challenges and others yet unknown, it is critical to proceed with an effort of this kind because of what is at stake. For centuries, crimes of sexual violence have been too easily excused as natural spoils of war. This is now changing. Transitional justice mechanisms have condemned sexual violence, but they struggle to address the distinct needs of its victims and to construct a new societal order with gender equality at its core. These are mammoth undertakings, but they are essential ones. Movement services can provide one piece, however small, to the mosaic of efforts propelling post-conflict societies towards a lasting peace and justice for all.

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