

# Bringing Justice Back Home?

## Domestic Accountability for Conflict-Related Sexual Violence\*

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### Abstract

Why do some governments adopt domestic accountability for conflict-related sexual violence (CRSV) while others do not? In this paper, I propose that conflict-affected governments adopt legislative and judicial accountability for CRSV to restore their reputation. By adopting preventive laws and policies, legislative accountability addresses demand for justice without disclosing past CRSV. On the other hand, by punishing perpetrators, judicial accountability allows governments to promote their moral images by distancing the authority from the violent entity. Using an original dataset on domestic accountability for CRSV in conflict-affected African states between 1998 and 2018, I find empirical support for these arguments. This paper contributes to the conflict justice literature by extending the scholarly focus on accountability for CRSV and proposing it as a strategic choice by governments. It also conducts the first cross-national analysis of domestic accountability for CRSV, providing an empirical assessment of domestic legal and judicial solutions to CRSV.

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The extreme level of impunity for conflict-related sexual violence (CRSV) has been a primary concern of the United Nations (UN) and advocacy groups for decades. The international community has strived to end impunity for CRSV and establish accountability since the groundbreaking United Nations Security Council Resolution (UNSCR) 1325 in 2000. Recently, accountability was discussed as the key prevention mechanism of CRSV. Pramila Patten, the Special Representative of the Secretary-General on Sexual Violence in Conflict, at the recent UN Security Council meeting in April of 2022 emphasized that the prosecution of CRSV can turn the culture of impunity into a culture of deterrence.

Despite the increased interest and commitment to promoting accountability for CRSV, few scholarly works investigate the reasons why some governments choose to adopt accountability measures in response to CRSV (e.g., [Lake 2018](#); [Loken, Lake and Cronin-Furman 2018](#)). Some conflict-affected governments have been more active in adopting accountability measures. For example, Uganda criminalized CRSV as an international crime and installed the International Crimes Division (ICD) in the High Court which has exclusive jurisdiction over international crimes including CRSV. At the same time, impunity for CRSV still seems widespread across countries and conflicts. After mass rapes in Guinea in 2009 and Côte d'Ivoire in 2011, nearly no one was charged with rape. What explains this variation?

While there are extensive studies on impunity ([Muvumba Sellström 2015](#); [Pruitt 2012](#)) and accountability for CRSV ([Kravetz 2016](#); [2020](#); [Lake 2014](#); [2018](#); [Loken, Lake and Cronin-Furman 2018](#); [Seelinger 2014](#); [2020](#)), few studies explore the cross-national and cross-conflict variation of domestic accountability for CRSV. The question of why and how some states hold perpetrators of CRSV accountable remains unanswered. While previous research on conflict justice has examined variation in justice mechanisms across armed conflicts ([Bates, Cinar and Nalepa 2020](#); [Binningsbø et al. 2012](#); [Loyle and Binningsbø 2018](#)) and motivations behind adopting these measures ([Cronin-Furman 2020](#); [2022](#); [Subotić 2009](#)), accountability for CRSV has been relatively overlooked.<sup>1</sup>

This paper aims to answer the question by theoretically proposing that governments adopt different accountability measures strategically according to their expected benefits and costs. I propose that governments have two different accountability options regarding CRSV: legislative and

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<sup>1</sup>Given that many CRSV indictments often drop off in international courts during its proceeding ([Haynes, Aoláin and Cahn 2011](#)) and it takes relatively longer time for victims of CRSV to seek justice than other abuses ([Kravetz 2020](#)), accountability for CRSV is worth studying separately from justice measures for general human rights abuses.

judicial accountability. While the former frames accountability around preventing future violence, the latter emphasizes retribution and punishment of previous abuse. Legislative accountability allows the conflict-affected governments to address CRSV and related issues without disclosing past abuses, while judicial accountability allows them to distance themselves from the violent entity and restore their moral images. Also, governments are likely to punish low-rank soldiers rather than high-rank officials of the security forces to minimize the cost of punishment and to effectively distance from the narrative that sexual violence was deliberately used by an authority as a “weapon of war.”

To test these arguments, the paper introduces an original dataset – the Sexual Violence Accountability Measures (SVAM) – which, to the author’s knowledge, is the first dataset that narrowly focuses on accountability measures that address CRSV and comprehensively measures those beyond criminal prosecutions. The SVAM examines the conflict-affected African governments between 1998 and 2018 and reports the variation of domestic accountability for CRSV. Using the dataset, this paper provides cross-national evidence that governments strategically adopts domestic accountability for CRSV.

## 1 Accountability for CRSV

The Rome Statute of the International Criminal Court defines sexual violence as “rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.”<sup>2</sup> *Conflict-related sexual violence* (CRSV), or wartime sexual violence, is sexual violence that is carried out by armed groups during armed conflicts (Wood 2014). It occurs in the context of armed conflicts and “has a direct or indirect causal link with the conflict itself” (UN Secretary-General 2010).

For a long time, CRSV was not recognized as a criminal behavior. Deeply related to women’s legal status, women were treated as property and therefore rape was considered more of a destruction of the male estate (Niarchos 1995). Rape was also considered a crime of passion that happens during the war when soldiers are out of control (Inal 2013). Victims of CRSV were treated

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<sup>2</sup>Gender-based violence is a more comprehensive concept including “any harmful act directed against individuals or groups of individuals on the basis of their gender” (Human Rights Council, 2014). The paper narrowly focuses on conflict-related sexual violence but mentions legislation on sexual and gender-based violence in the later section to address legal frameworks that can address conflict-related sexual violence.

as “second-class victims of a second-class crime” (Johnson 2009, 1). Sexual violence committed during the war was seen as a sexual act driven by the deprivation of sex, rather than a projection of a violent manifestation of masculinity. As a result, numbers of leaders, soldiers, and individuals who were accused for penetrating sexual violence during armed conflicts did not face punishment for decades, if at all. At the international level, it was not until the horrific atrocities in Rwanda and Bosnia-Herzegovina that CRSV was finally distinguished from the larger category of violence.

*Accountability*, in this paper, refers to measures that are taken in response to CRSV. While this may involve sanctions or punishments if the standards are not met (Sikkink 2011), it can also involve revising or setting up the set of standards regarding CRSV. The focus of this paper is accountability for CRSV at the *domestic* level. It refers to accountability measures such as prosecutions adopted at the national level by the state governments. Domestic accountability for wartime is important in bringing justice “closer to home” (Seelinger 2020). With the limited capacity of international courts, the importance of domestic accountability for wartime sexual violence has been raised by scholars and practitioners (Lake 2014; Ni Aolain, Haynes and Cahn 2011). Domestic accountability can rebuild trust in society, restore the dignity of victims and survivors, and signal to society that sexual violence will be met with punishment.

Many advocacy groups and scholars document various accountability measures for CRSV in conflict-affect countries (Baldwin 2012; Boesten 2014; Boesten and Fisher 2012; Burt 2018; Human Rights Center 2015; Kravetz 2016; 2020; Lake 2014; Martin and SáCouto 2020; Refugee Law Project 2013; Seelinger 2014; 2020). For example, in Liberia and the Democratic Republic of the Congo, specialized police units and prosecutorial units that focus on CRSV were created. To assist in more effective prosecutions, specialized courts investigating CRSV were installed in Peru, Uganda, and Liberia. Specialized chambers for CRSV in the domestic judicial system were installed to hear local voices and further achieving accountability. The Guatemalan Attorney General’s Office adopted a litigation strategy to protect and empower victims.

Despite the importance of domestic accountability for CRSV, the motivation behind adopting accountability measures is understudied. Few studies explore variation in domestic accountability for CRSV across states and armed conflicts (e.g., Seelinger 2020). For example, Loken, Lake and Cronin-Furman (2018) argue that the Sri Lankan army prosecuted perpetrators of sexual violence

to promote its legitimacy. [Lake \(2018\)](#)'s book also finds strong NGOs as key actors behind prosecutions of sexual and gender-based violence in the Democratic Republic of Congo. However, no work has yet proposed a theory that explains why and how some states respond to CRSV with accountability measures. This paper aims to address these remaining questions by proposing that governments strategically adopt different accountability measures according the expected benefits and costs of each measure.

## 2 Patterns of Domestic Accountability for CRSV

Across armed conflicts, we witness variation of domestic accountability for CRSV. While some states are more prone to taking judicial measures such as prosecutions of perpetrators who committed CRSV, some states are more active in enacting laws and policies that address CRSV. Some states take both legislative and judicial measures while some states adopt none. The Democratic Republic of the Congo, for example, had 136 army soldiers convicted for committing sexual violence by military courts between 2011 and 2013. While very few high-rank officers were prosecuted, it is surprising that number of perpetrators who committed wartime sexual violence faced punishments, especially in a country where sexual violence was used as a weapon of war ([Lake 2018](#)).

This is somewhat different from Liberia, in which civil wars in the late 1990s and early 2000s experienced an extreme level of sexual violence. In the post-conflict period, the Liberian government, led by Ellen Johnson Sirleaf, the first female elected head of state in the continent, was more active in taking legislative measures such as criminalizing sexual violence through Rape Law in 2005. The Sirleaf regime also announced the National Gender-Based Violence Plan of Action in 2006 which outlines a multi-sectoral plan to “minimize GBV (gender-based violence) by the year 2011 in Liberia” ([Republic of Liberia 2006](#), 5). At the same time, only few ex-members of armed groups have been punished for CRSV. What explains these different patterns of accountability for CRSV?

I propose that legislative and judicial accountability for CRSV as a *strategy* differ in its short-term objective and target. While legislative accountability deters prospective violence by creating new laws or policies that raise the costs of committing CRSV in the future, judicial accountability

targets the past abuses by punishing perpetrators of incidents of wartime sexual violence that already occurred. Legislative accountability adopts a preventive framework by taking measures to prevent sexual violence in the future by criminalizing it or increasing the maximum sentence of it, while judicial accountability adopts a more punitive framework by focusing on punishments.<sup>3</sup>

Admittedly, in the long-run, legislative accountability can be punitive as it sets up a rule of law and legal regimes that punish the perpetrators in the actual trials. Criminalizing sexual violence as an international crime, for example, can alter how judges and prosecutors approach possible challenges to prosecutions of the crime and ultimately bring about trials successfully (Berlin and Dancy 2017). Vice versa, judicial accountability can deter the prospective CRSV by setting the norm that perpetrators who commit CRSV can be punished. At the social level, prosecutions can demonstrate that the society no longer tolerates CRSV and perpetrators will be met with punishments like other human rights abuses (Boesten 2014).

However, in this paper, I focus on how legislative and judicial accountability are adopted as strategic responses by governments during and after civil wars as they are seeking to restore their reputations and legitimacy (Jo and Thomson 2014; Loken, Lake and Cronin-Furman 2018; Stanton 2016). Laws altering prosecutorial processes and prosecutions altering norms at the domestic level are both relatively slow processes. Also, in many cases, new laws that criminalize CRSV as an international crime at the domestic court do not necessarily lead to actual prosecutions of cases. As strategic choices, governments focus on the short-term benefits these accountability measures can bring in (Simmons 2009).

As each accountability measure has different objectives and targets, they have different expected benefits as a strategy. Legislative accountability by focusing on prevention of future abuses can address the issue without disclosing past abuses. This is beneficial for governments when they have “skeletons in their closet” (Nalepa 2010). Rather than disclosing and investigating past abuses through judicial measures, legal measures ensure the prevention of the prospective violence. This helps governments restore their legitimacy without punishing their own soldiers for

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<sup>3</sup>While existing work on transitional justice focus more on criminal accountability (e.g., Sikkink 2011), it is important that we include legislative accountability as CRSV is fundamentally driven by the long-standing gender inequality in society (Meger 2016; Sjoberg 2013). Used as a weapon of war or not, CRSV is “a product of the inequalities, stereotypes and prejudices that lie at the heart of the continuum of violence against women” (Boesten and Wilding 2015, 7). Therefore, without tackling the structural and societal cause through legislative measures, justice for women cannot be fully delivered through criminal accountability only (Aroussi 2011; Boesten and Wilding 2015; Ni Aolain, Haynes and Cahn 2011).

Table 1: Different Forms of Accountability for CRSV

	Legislative Accountability	Judicial Accountability
<b>Objective</b>	Preventive	Punitive
<b>Target</b>	Prospective CRSV	Retrospective CRSV
<b>Expected Benefits</b>	Hide past abuses	Distance from the perpetrators
<b>Mechanism</b>	Covering	Distancing

committing CRSV.

On the other hand, judicial accountability, by punishing perpetrators who committed CRSV in the past, allows governments to distance themselves from the violent entity. Punishing individuals for CRSV helps governments, especially individual leaders, to restore their reputation by setting them as the moral authorities who punish the wrongdoers. Table 1 summarizes each accountability measure.<sup>4</sup>

## 2.1 Legislative Accountability as a Covering Mechanism

As a covering mechanism, legislative accountability allows governments to address CRSV in a more preventive narrative, *promising* that CRSV will not happen again. Disclosing past CRSV can be costly to some governments as it will expose their failure to protect their women and girls from sexual violence (or themselves engaging in such forms of violence) and undermine the masculine authority of the government (Nagel 2019). The authority is emasculated at a greater level if it is reported that the security forces raped “our” women, exposing its failure to protect women. Constituents expect protection, strength, and power from their legitimate leader (Sjoberg 2013).

When government security forces are more responsible for wartime sexual violence that has happened during civil wars than rebel groups, governments are likely to perceive disclosure and investigation of CRSV as more costly because their own soldiers are more responsible for the abuse than the opponents. If governments were to carry out punishments in response to demands for

<sup>4</sup>While these measures entail different benefits and narratives, they are not mutually exclusive. States may adopt both legislative and judicial measures to both frame the narrative around prevention while punishing soldiers to restore their moral images.

accountability, it will incur higher costs to them as their soldiers are more responsible for the violence that has been committed than their political opponents. Punishing soldiers for retrospective abuses during civil wars can undermine their morale and fighting capacity.

In such case, it is more useful to frame the accountability issue around preventing future CRSV rather than unearthing past abuses. State leaders can strategically deploy legislative accountability for CRSV, which targets prospective violence, to project their legitimacy to domestic and international audiences while avoiding the expenses of punishment due to high responsibility. For example, criminalizing sexual violence as an international crime in the domestic legal system demonstrates the state's commitment to international criminal law and raises the cost of committing CRSV in the future. However, domestication of international criminal law does not necessarily lead to prosecutions of past incidents of wartime sexual violence as an international crime. In many cases, domestication of the Rome Statute was not followed by prosecutions of wartime sexual violence as an international crime.

For example, the Sri Lankan security forces engaged in an extreme level of sexual violence during the intrastate conflict, while the LTTE (Liberation Tigers of Tamil Eelam) were restrained in its use of sexual violence against civilians for ideological reasons (Wood 2009). Since the conflict ended in a victory of the Sri Lankan government in 2009, the government has been very timid in terms of prosecuting perpetrators of wartime sexual violence. By 2017, only two incidents of wartime sexual violence have been prosecuted; rather, when faced with international pressure, the government engaged in extensive promises to carry out accountability for wartime sexual violence with an emphasis on preventing the abuses in the future (Cronin-Furman 2020). The government reaffirmed to the UN Human Rights Council its commitment to addressing sexual and gender-based violence but has not prosecuted members of the security forces for committing wartime sexual violence. Rather, the Sri Lankan government has been taking multiple legislative accountability measures such as National Action Plan to address Sexual and Gender-based Violence in 2016 and composing National Action Plan to implement UNSCR 1325 in 2021. The government by focusing its accountability measures around preventive mechanisms can avoid disclosing the crime its security force engaged during the conflict.

Conflict-affected governments would be more compelled to address CRSV through legislative



measures when there are domestic demands for justice for victims and survivors of CRSV. Feminist scholars find women's movements are key agents in pursuing gender-related reforms (Berry 2018; Htun and Weldon 2012; 2018; Tripp 2015). Women's mobilizations at the local level have successfully advanced gender-related reforms especially after civil wars when there are disruption of the existing institutions and gender power relations (Agerberg and Kreft 2020; Berry 2018). Women's movements in Uganda and Liberia, for example, led to pass of important legislation on violence against women and also increased women's representation in the political sphere (Tripp 2015). Various women's organizations, with support from international donors and organizations, lead mobilizations that demand responses on previously-tabooed topics such as domestic violence. Women's mobilizations bring in global norms of gender equality and women's rights to the local context (Htun and Weldon 2012; 2018).

Legislative accountability measures, promising changes in legal and structural institutions, can address the demands proposed by women's mobilizations. By responding to these demands, conflict-affected governments can promote themselves as the moral authority and further restore their reputation in the face of both international and domestic audiences. They can project that "we are listening to *our* women." <sup>5</sup>

While legislative accountability entail institutional costs to create new laws or policies or to amend existing laws, governments tend to find legislative changes as minor and underestimate their impacts (Keck and Sikkink 1998). Scholars find that governments technically comply with the international laws and norms by adopting domestic legislative changes as technical compliance does not necessarily guarantee normative compliance (Búzás 2017). By creating new laws or policies, governments can effectively demonstrate their willingness to address CRSV, proving "its bona fides with the watchful international community" (Ni Aolain, Haynes and Cahn 2011, 197), without disclosing past CRSV.

*H1. When government security forces are responsible for wartime sexual violence than their opponents, they are likely to adopt legislative accountability for wartime sexual violence.*

*H2. When there are women's demands for gender justice, governments are likely to adopt legislative accountability for wartime sexual violence.*

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<sup>5</sup>Not all women are voices would be heard equally to the authorities especially under conflict-context. In the post-hoc analysis, I test whether the regime type would condition women's voices being heard.

## 2.2 Judicial Accountability as a Distancing Mechanism

Governments are concerned with their reputations and legitimacy during and after civil wars (Stanton 2016). Those in civil wars will try to make themselves look more legitimate than the opposition, while those in the post-conflict period will strive to distance themselves from the legacies of violence. When governments' reputation is undermined by international pressure for justice, they are likely to adopt judicial accountability for wartime sexual violence as a means to distance themselves from the violent group that engaged in abuses.

For instance, the prosecutorial activities of the International Criminal Court (ICC) undermines the authority's reputation at the international level by exposing the abuses. While the effectiveness of the ICC in deterring human rights abuses and wartime sexual violence is still debated,<sup>6</sup> governments' (especially the culpable one's) reputation is undermined when the Office of the Prosecutor of the ICC investigates the case of the state and prosecutes individuals. While there are cases where the government makes a self-referral to the ICC to prosecute the political opponents, when the investigatory case opens, the Office of the Prosecutors of the ICC examines all armed groups that responsible for international crimes. Prosecutorial activities can impose domestic costs by signaling to the domestic audience that the government violated international law, increasing the possibility of an accountability mechanism at the domestic level (Appel 2018). They also bring international attention to the breach of international law and name and shame the leader internationally (Krain 2012). The long investigation and prosecution process of the ICC prevents governments from obliterating the legacies of wartime sexual violence and other human rights abuses.

Also, because international pressures usually take a securitized form (e.g., UN Security Council Resolutions), governments are incentivized to respond in a securitized and militarized manner as well: prosecution. The UN Security Council Resolution (1820) defines CRSV as a security threat for being "used or commissioned as a tactic of war to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations." The UN Security Council urges

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<sup>6</sup>Some scholars argue that human rights trials improve human rights conditions by increasing the probability of punishment and creating normative pressures (Appel 2018; Kim and Sikkink 2010). On the other hand, some argue that international prosecutions lack capacities to deter actors from committing human rights abuses and the ICC cannot function as a deterring mechanism as they rely on the cooperation of states and international institutions to carry out judicial process (Vinjamuri and Snyder 2015). Jo and Simmons (2016) find that when prosecutorial deterrence of the ICC accompanied by social deterrence of transnational organizations, the ICC is more likely to deter human rights violations. Recent work finds that the ICC activities rather increases the level of CRSV (Broache and Kore 2023).

securitized responses from the international community regarding CRSV (Eriksson Baaz and Stern 2013; Meger 2016). Governments responsible for reported CRSV are condemned as those creating security threats, entailing a security response from peer states (Benson and Gizelis 2020). The securitized perception of CRSV in these international pressures has overly emphasized the sanctions and punishment of the abuses as a form of accountability (Aroussi 2011).

By adopting judicial accountability for CRSV, governments can effectively distance themselves from the violent perpetrators and restore their masculine authority in response to the international pressures and interventions. Judicial accountability discloses incidents of CRSV that have occurred and punishes the perpetrators who are responsible for the abuse. Strategically adopting judicial accountability for CRSV, governments can blame individual soldiers for atrocities and frame the abuse as an individual deviant behavior. This frees them from the responsibility of violence and, at the same time, enhances their moral images by punishing those who committed crimes.

For example, when condemned for genocide and mass rapes against Rohingyas of the Rakhine State in Myanmar, Aung San Suu Kyi stressed that they have investigated and punished individual soldiers who have committed violence and, therefore, concluded that authorities did not have the genocidal intention (Aung San 2019). The Independent Commission of Enquiry (ICOE) of Myanmar reported that violence including rape and sexual violence was “triggered by individual fear, enmity, and historical grievances rather than by a plan, design or order” (Independent Commission of Enquiry 2020, 9). By accusing individual combatants, governments can distance themselves from the violent entity and therefore keep their legitimacy and authority untainted.

Prosecution, as a masculine and securitized solution, also helps governments to effectively respond to securitized international pressures. Punishing soldiers for committing CRSV will signal to the international community that governments are willing to carry out accountability at the domestic level and protect their women and girls from the violent perpetrators.

*H3. When governments face international pressures for justice, they are likely to adopt judicial accountability for CRSV.*

At the same time, judicial accountability for CRSV can be costly. Disciplining or dismissing soldiers for committing CRSV who are otherwise effective can be risky to the leader (Wood 2018). If the leader does not have control over the military, punishing soldiers can incite insubordination or

backlash. Second, punishment of the subordinates for behaviors they do not believe “problematic” can undermine the vertical cohesion and morale of the group. When soldiers are punished for rape what they have “the ‘right’ to take women by force” when deprived of sex during the conflict (Eriksson Baaz and Stern 2009), they are likely to be demoralized or disrespect the leader. The traditional gender roles of the military prevent both authorities and soldiers from recognizing sexual violence as a crime (Wood and Toppelberg 2017).

The expected costs of judicial accountability may decrease when governments can use prosecutions *selectively*. Because the domestic court is limited in its capacity, the state can be highly selective in prioritizing whom to prosecute (Haskell 2009). Punishing low-rank personnel is less costly than punishing high-rank officers because they have less power to resist. They are easily blamed for individual deviant behaviors while punishing high-rank officers can be easily translated to leaders’ liability.

Punishing low-rank soldiers of the security forces also help governments to frame CRSV away from a “weapon of war” narrative. Since the “weapon of war” narrative is powerful as it sets a transnational norm that who use sexual violence deliberately under war objectives should be held guilty (Crawford 2017), being criticized for using sexual violence as a weapon of war undermines governments’ reputation.

By punishing low-rank soldiers for committing CRSV, governments can frame CRSV as individual deviant behaviors that were “tolerated” by the authorities, rather than an organizational policy during the war (Wood 2018). Punishing high-rank officers is almost as admitting the authority’s responsibility in CRSV, right going under the “weapon of war” narrative. Framing CRSV around as an individual deviant behavior can benefit governments by distancing from the narrative and further restore their moral images in face of international pressures for justice.

*H4. When governments face international pressures for justice, they are likely to prosecute low-ranked soldiers for committing CRSV.*

### **3 Research Design**

To empirically test the proposed hypotheses, I use the original dataset of domestic accountability for wartime sexual violence in conflict-affected African states between 1998 and 2018. The

sample includes 32 African states that experienced civil conflicts between this period. The unit of analysis is country-year.

### 3.1 Original Dataset: Sexual Violence Accountability Measures (SVAM)

The SVAM (Sexual Violence Accountability Measures) is the first dataset that narrowly focuses on justice mechanisms for wartime sexual violence and that comprehensively documents justice mechanisms spanning from judicial accountability to legislative accountability. While several datasets measure different conflict justice mechanisms (Bates, Cinar and Nalepa 2020; Binningsbø et al. 2012; Loyle and Binningsbø 2018; Olsen, Payne and Reiter 2010), to the author's knowledge, the SVAM will be the first dataset that documents accountability for CRSV in particular at the domestic level cross-nationally and longitudinally.<sup>7</sup>

The SVAM includes African countries that experienced intrastate conflicts and internationalized intrastate conflicts between 1998 and 2018 based on the UCDP/ PRIO Armed Conflict Dataset version 20.1 (Gleditsch et al. 2002; Pettersson and Öberg 2020). A given year is counted as a conflict when there are at least 25 battle-related deaths. Intrastate conflicts are those where one of the warring sides is the government and the other(s) is a rebel group. The dataset covers accountability measures in *both* active conflict years and post-conflict five years following other conflict justice datasets. While we commonly imagine justice mechanisms in the post-conflict or transitional period, they are frequently carried out by armed actors during conflicts (Loyle and Binningsbø 2018).

Conflict-affected states in Africa provides an ideal environment to test the paper's key arguments. While civil wars in Africa are known to have experienced the worst level of CRSV (Cohen and Nordås 2014), African countries have shown varying responses to the atrocity (e.g., Human Rights Center 2015; Seelinger 2014; 2020). While some countries – e.g., Guinea – rarely adopted accountability for CRSV, some took domestic accountability measures in varied ways, such as the International Crimes Act in Kenya.

I narrow the temporal scope condition to post-1998 to minimize the possible missing information in the data collection process. The year 1998 marks the year when sexual violence was finally

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<sup>7</sup>The dataset does not include international or hybrid accountability measures. For example, Senegal in 2009 created the "Extraordinary African Chambers" (EAC) to try former Chadian president Hissène Habré. While the court was created within the Senegal legal system, it is recognized as a hybrid or internationalized court. Therefore, it is omitted from the dataset. For the same reason, prosecutions of sexual violence in the International Criminal Court of Rwanda (ICTR) and the Special Court in Sierra Leone are not included in the dataset.

recognized as an international crime by the Rome Statute. Therefore, we can assume that accountability for wartime sexual violence, if it were carried out before 1998, would have been less likely to be reported/witnessed by third parties or NGOs as CRSV was not considered problematic by the international community back then.

The dataset has a country-year unit of analysis.<sup>8</sup> A state enters the dataset on the year it has intrastate conflict(s) or internalized intrastate conflict(s) according to the UCDP/PRIO Armed Conflict Dataset. The country leaves the dataset when more than five years have passed since the end of the last intrastate conflict.

For each country-year, I collect information on whether the government took legislative accountability and/or judicial accountability for wartime sexual violence. Each accountability mechanism is measured by indicators provided below. Appendix provides more information about each indicator.

1. **Legislative** Accountability is coded 1 when any of the following indicators are adopted in a given country-year:

- *Laws on sexual and gender-based violence*
- *Criminalization of sexual violence as an international crime*
- *National Policies or Plans Against Sexual and Gender-Based Violence*
- *National Action Plans to Implement UNSCR 1325*

2. **Judicial** Accountability is coded 1 when any of the following indicators are adopted in a given country-year:

- *Prosecution of the Perpetrators for CRSV*
- *Special Court on Sexual Violence*
- *Special Prosecutorial/Police Unit on Sexual Violence*

While legislative measures sometimes need to be adopted in prior to adopting judicial measures, they do not necessarily go together and, therefore, need to be coded separately. For instance, in many cases, laws that treat international crime in the domestic penal codes would be

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<sup>8</sup>While existing datasets on conflict justice are in a conflict-year, I adopt a country-year unit of analysis because legislative accountability measures are not conflict-specific, unlike prosecutions that may target specific armed groups in the conflict.

made; however, these legal changes do not follow by actual trial cases. Laws to adopt special courts may be made but the actual court may not be installed due to lack of state capacity.

While an aggregate measure can obscure the different nature or mechanisms behind each accountability measures, since domestic accountability for wartime sexual violence is a rare event in the first place, the aggregation allows us to conduct a wider analysis (e.g., [Huber and Karim 2018](#)). The focus of this paper is to see when some governments are more likely to adopt accountability when others do not, not the difference in scale of accountability.

To minimize the risk of missing information and over-estimation, I *dichotomously* measure whether the government carried out legislative or judicial accountability respectively in a given country-year, rather than measuring the count or scale of these measures. Some civil conflicts attract greater attention from the international community and therefore accountability measures adopted in these conflicts are more likely to be reported than those that receive less attention. For instance, prosecutions of perpetrators of CRSV in the Democratic Republic of the Congo (DRC) are more likely to be reported than other civil conflicts because the media and NGOs have set the narrative of the war disproportionately around sexual violence ([Autesserre 2012](#)).

### 3.2 Dependent Variable

*Legislative Accountability* is coded dichotomously, measuring whether a government took any legislative accountability measures for CRSV. Using the SVAM, the government is coded as adopting legislative accountability for wartime sexual violence if it adopts any of four indicators of legislative measures in a given country-year. 27 of 32 conflict-affected countries (84.38 percent) in Africa took legislative accountability measures at least once.

*Judicial Accountability* is also coded dichotomously, measuring whether the government carried out judicial accountability in a given country-year. The government is coded for taking judicial accountability measures for CRSV if it adopts any of the three indicators of judicial accountability as stated above. 18 out of 32 conflict-affected countries (56.25 percent) in Africa adopted judicial accountability measures for CRSV at least once. Table 2 summarizes the frequency of each measure in all country-years. While impunity for CRSV is prevalent (74.5 %), more than 25 % of country-years during and after civil wars reported accountability for CRSV. 4% of the dataset reported adoption of both legislative and judicial measures.



Table 2: Distribution of Different Accountability Measures in Africa, 1998 - 2018

	No Legislative Accountability	Legislative Accountability
No Judicial Accountability	74.5% (297/399)	11% (44/399)
Judicial Accountability	10.5% (42/399)	4% (16/399)

*Note: The unit-of-analysis is country-year.*

The selective prosecution hypothesis (H4) is tested with the indicators of prosecution of low-rank members or high-ranked officials of security forces such as members of the national military or police for committing CRSV.<sup>9</sup> I dichotomously code whether there was a prosecution of a low-ranked soldier (*Low Rank*) or a high-ranked official (*High Rank*) respectively in a given country-year. When a trial case involve both high-rank and low-rank members, it is included in both measures. Out of 44 country-years with reports of prosecutions of perpetrators for committing CRSV, 34 country-years (77%) involved members of the security forces; 28 of them were involving low-ranked personnel and 12 involved high-ranked officers.

### 3.3 Independent Variables

To measure how responsible the government security forces are for CRSV, I use the Sexual Violence in the Armed Conflict (SVAC) dataset (Cohen and Nordås 2014) to measure the level of wartime sexual violence by the security force. The SVAC dataset systematically covers sexual violence incidents during conflicts between 1989 and 2019. The dataset measures the level of reports of sexual violence in four levels: no reports of sexual violence (0), some (1), several/many (2), and massive (3). Because the SVAC dataset is in conflict-year, I compute the average level of CRSV that was committed by the security force. I lag average level of CRSV by a year.

How responsible the government is for reported CRSV can be also highly affected by opponents' use of CRSV. For example, when the security force is more responsible for reported CRSV than the rebel groups, governments are likely to face greater level of condemnations. To measure *Relative CRSV*, I divided the level of CRSV committed by the security force by that of rebel

<sup>9</sup>This does not include members of pro-government militias (PGMs).



groups.<sup>10</sup> *Relative CRSV* is also lagged by a year.

To measure women's demands for gender justice, I first count the number of *Women's Protests* using the ACLED data on demonstrations featuring women, which reports all demonstration events in which women were specifically featured in Africa. There were 1,063 women's protest reported in Africa between 1998 and 2018. I count the number of protests in a given country-year and lag it by a year. Nigeria in 2015 had the highest number of women's protests, 41, while there were no women's protests in the active conflict and five post-conflict years in Djibouti, Guinea-Bissau, Lesotho, Liberia, Mozambique, and Sierra Leone.

I also count the number of women's protests located within the 100 miles around the center of the capital city of each country. We can presume that *Capital Protests* are likely to reach the authority and potentially can undermine its reputation more effectively. Using the geo-location of each protests provided by the ACLED, I count the number of protests that intersect with the 100 miles buffer around each capital city. Nigeria in 2017 had the highest number of protests in its capital city, Abuja, which was 10. The number of women's protests and those in the capital city are both lagged by a year.

Lastly, I use the Women's International Non-Governmental Organizations (WINGOs, [Hughes et al., 2017](#); [Hughes et al., 2018](#)) to measure demands from Women's INGOs. The more membership the state has in Women's INGOs, the more likely there will be demands for gender justice and reforms from these international organizations. The dataset provides country-level memberships in women's international NGOs between 1950 and 2013. Because the dataset only reports the observation every five years, I input observations of the missing four years using an interpolation function. Assuming that the number of NGOs can increase or decrease gradually and linearly over years, I assign the missing values of years between the periodic data in linear regression. Kenya in 2015 has the highest number of memberships in women's international NGOs while Chad in 1998 had the lowest. I log the measure to account for the over-dispersion of the data.

To measure international pressures for justice, first, I use the count of UN Security Council Resolutions (UNSCRs) that target a particular government *during* armed conflicts, using the dataset provided by [Benson and Gizelis \(2020\)](#). Their dataset provides the number of UN Security Coun-

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<sup>10</sup>If there were multiple rebel groups active against the government in a given country-year, I average the level of CRSV across rebel groups. Then I compute  $(\text{Average Level of Wartime Sexual Violence by the Security Force} + 0.5) / (\text{Average Level of Wartime Sexual Violence by the Rebel Groups} + 0.5)$ .

cil Resolutions that targeted armed conflicts between 1990 and 2015, pairing each resolution to UCDP/PRIO armed conflicts. To measure the count of *Targeted UNSCRs* in a given country-year, I compute the average number of resolutions targeting the government across conflicts in a given year. For cases where the resolution targets two governments at once (e.g., Ethiopia and Eritrea), it is counted as a targeted resolution for both governments.

To measure the scale of these demands from the UN Security Council, I also use [Benson and Gizelis \(2020\)](#)'s measure of the highest level of actions proposed by UNSCRs in a given country-year. The level of actions is coded in a six-point scale, where the lowest scale (0) indicates no resolution while the highest (6) indicates formation or extension of UN peacekeeping missions. I average the highest level of actions proposed in a given country-year. The highest average level of action in the sample is UNSCR targeting Liberia in 2003 and DRC in 2005.

I also count the cumulative count of *ICC Warrants* of individuals of the country that were charged for rape or other forms of sexual violence to measure conflict-specific demands for gender justice. I identify the nationality of the perpetrator in respective cases using the case information sheets provided by the ICC. For example, the prosecutor's office of the ICC had three warrants issued for rebel leaders (Joseph Kony, Vincent Otti, Dominic Ongwen) in Uganda in 2005 for charges including rape, sexual enslavement, sexual slavery, and other forms of sexual violence as war crimes and crimes against humanity. There are 30 warrants issued by the Prosecutor's Office between 1998 and 2018 and 19 of them include sexual violence as a war crime or a crime against humanity as charges.

### 3.4 Control Variables

I control for multiple state-related and conflict-related factors. I use the Political Regime Types of the Polity V dataset to measure the democracy score of the government. *Polity Score* ranges from -10, being the most authoritarian, to +10, the most democratic. Eritrea has the lowest *Polity Score* (-7), while Kenya is the most democratic (9). I also control for logged *GDP per capita* from the World Bank World Development Indicator (WDI).

The level of gender empowerment in society is highly associated with whether the government will adopt accountability measures for wartime sexual violence. A society with low gender empowerment does not only experience a greater level of wartime sexual violence but is also less

likely to recognize conflict-related sexual violence as a crime. Also, women in these society are unlikely to report sexual violence or seek justice measures as they face greater societal stigma. To measure *Gender Empowerment*, I use the gender equality in respect for civil liberties indicator in the V-Dem Dataset (Coppedge et al. 2021; Pemstein et al. 2021).

I also include the *High Court Independence* variable to control for the domestic court's independence from the government. I use the High court independence measure from the V-Dem Dataset (Coppedge et al. 2021; Pemstein et al. 2021) that measures how independent the high court makes its decision from the government's wishes.

For conflict-related variables, first, I control for *Amnesty*. Amnesty is defined as "a promise (or in some cases formal legislation) on the part of the ruling party to not prosecute or punish past crimes" (Binningsbø et al. 2012, 735). The existence of amnesty can affect the prosecutions of perpetrators in the post-conflict period. Using both the PCJ (Binningsbø et al. 2012) and DCJ datasets (Loyle and Binningsbø 2018), I include whether there was an amnesty that was granted in a given country-year.

Second, the *Average Intensity* of the conflict is controlled. The intensity is computed using the UCDP/PRIO Armed Conflict Dataset version 21.1 (Gleditsch et al. 2002; Pettersson and Öberg 2020). The intensity level is coded 1 (minor) when there are 25 – 999 battle-related deaths and 2 (major) when there are more than 1,000 battle-related deaths in a given conflict-year. Since the unit of analysis country-year, I compute the average intensity of conflict in a given country-year. I also control for the number of concurrent civil wars the government is in (*Count of Conflicts*). To control for the temporal dimension, I also include *Post Conflict Years* which measure how many years have passed since the end of the conflict (0 – 5 years) according to the UCDP/PRIO Armed Conflict Dataset.

I use logit binomial regressions to test the proposed hypotheses as the dependent variables are coded dichotomously. All models have standard errors clustered by country to address non-independent yearly observations within each country. I also include decade-fixed effects in all models.<sup>11</sup>

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<sup>11</sup>I include decade fixed effects to address the temporal factors. When I substitute the decade fixed effects with annual fixed effects, the findings are mostly consistent. However, model fits aggravate with annual fixed effects. AIC (Akaike Information Criterion) is lower when with decade fixed effects.

## 4 Results and Discussion

Table 3 reports the result of testing Hypothesis 1. Model 1 finds that the level of security forces CRSV in the previous year is positively and statistically significantly associated with adopting legislative accountability for CRSV. When replacing the absolute level of CRSV with the *relative* level of CRSV (Model 2), the finding remains constant. When the government security forces are more responsible for the reported CRSV, the government is likely to adopt domestic accountability for CRSV. The relationship with judicial accountability is positive but statistically not significant (Models 3 and 4).

Figure 1 reports the predicted probability of adopting legislative accountability for CRSV by level of CRSV (left) and relative level of CRSV (right) with other covariates held at their mean or mode values. When there is no report of CRSV in the previous year, the probability of adopting legislative accountability is 15.9 percent. However, when the reported level is 2, the probability of adopting legislative accountability increases to 37 percent. The pattern is similar with the relative level of CRSV. When the rebel groups are more responsible for the reported CRSV ( $< 1$ ), the probability of adopting legislative accountability is below 20 percent. When the security forces engaged in a twice greater level of CRSV ( $= 2$ ), the probability increases to 22 percent.

Regarding control variables, the findings support existing research. In both models 1 and 2, *Gender Empowerment* is positively and statistically significantly associated with adopting legislative accountability, supporting the existing research that new laws and policies on violence against women is more likely in society where women are more empowered (Waylen 2008). The findings may suggest that while factors such as democracy score explained human rights behaviors in general, it is important to examine how much women are empowered in the society to explain wartime sexual violence and related responses.

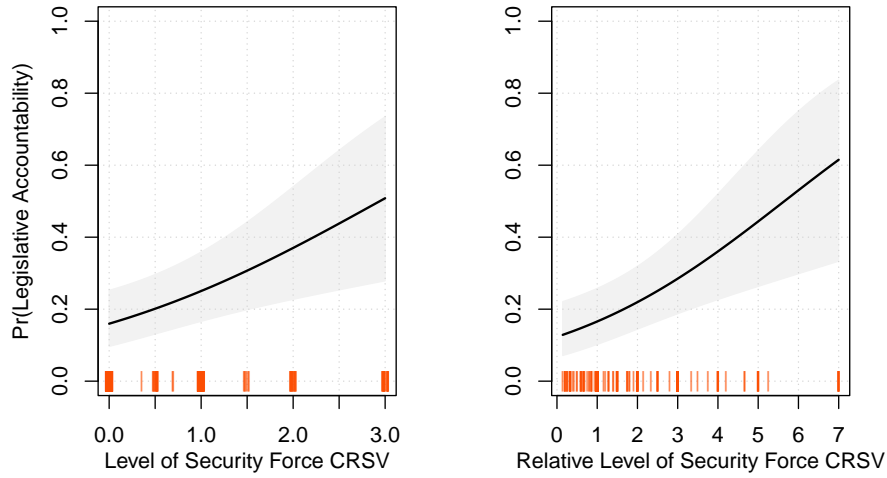
Table 4 reports the result of testing Hypothesis 2. Models 1, 2, and 3 of Table 4 shows that women's demands for gender justice such as women's protests and women's INGOs have positive and statistically significant relations with adopting legislative accountability measures. Model 1 reports that one more women's protest in a given country-year increases the log-odd of legislative accountability by 0.062. Models 2 and 4 also show that women's protests in the capital city have positive and statistically significant association with adopting legislative accountability but not

Table 3: Level of Security Forces CRSV

	<i>Dependent variable:</i>			
	Legislative Accountability		Judicial Accountability	
	(1)	(2)	(3)	(4)
$CRSV_{t-1}$	0.565*** (0.173)		0.489 (0.327)	
Relative $CRSV_{t-1}$		0.347*** (0.118)		0.211 (0.188)
Polity Score	0.017 (0.032)	0.034 (0.033)	−0.022 (0.062)	−0.005 (0.065)
Log GDP per capita	−0.042 (0.108)	−0.055 (0.112)	−0.008 (0.167)	−0.016 (0.168)
Gender Empowerment	0.368** (0.165)	0.352* (0.189)	0.275 (0.250)	0.231 (0.243)
High Court Independence	0.103 (0.171)	0.078 (0.186)	0.072 (0.237)	0.039 (0.247)
Amnesty	−0.317 (0.483)	−0.199 (0.462)	−0.250 (0.264)	−0.160 (0.293)
Average Intensity	−0.174 (0.417)	−0.061 (0.451)	−0.143 (0.475)	−0.001 (0.460)
Count of Conflicts	0.624 (0.425)	0.593 (0.455)	0.873** (0.354)	0.765** (0.331)
Post Conflict Years	0.112 (0.183)	0.112 (0.192)	0.022 (0.186)	−0.002 (0.189)
Constant	−2.136 (2.183)	−2.198 (2.250)	−2.581 (3.677)	−2.451 (3.750)
Observations	360	360	360	360
Fixed Effect	Decade	Decade	Decade	Decade
AIC.	314.096	312.524	306.311	309.162

Note: Robust standard errors clustered by country.

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01



**Figure 1: Predicted Probability of Legislative Accountability by Level of CRSV**  
*Note: Estimates for probability of legislative accountability are generated from Models 1 and 2 from Table 3, respectively. All other covariates are held at their mean or mode values.*

judicial accountability. Model 2 reports that one more women's protest in the capital city increases the log odds of adopting legislative accountability by 0.251. These findings support this paper's expectation that governments adopt legislative accountability when facing women's demands for justice.

Results also find that membership in women's INGOs is positively associated with adopting legislative accountability. The relationship is also significant and positive with judicial accountability. This finding aligns with existing research on how strong NGOs are key factors in explaining criminal prosecutions of sexual and gender-based violence (Lake 2018). While membership in women's INGOs can indicate the women's demands for structural gender reforms, it can also suggest the support and logistic networks these groups can provide to the victims and survivors in seeking criminal justice.

CRSV is still positively associated with adopting legislative accountability while the relation is not statistically significant with judicial accountability with an exception of model 6. This suggests that when the security forces are responsible for reported CRSV, governments are likely to defer accountability to the future (legislative accountability) rather than punishing their soldiers at the moment (judicial accountability). I also find that *Gender Empowerment* is positively associated with adopting legislative accountability, supporting the existing research that new laws and policies on violence against women is more likely in society where women are more empowered (Waylen

2008).

Figure 2 shows the predicted probability of adopting legislative accountability as women's demands for justice increase. The left panel reports that as the number of women's protests in general increases, the probability of legislative accountability increases. For example, when there is one protest, the probability of adopting legislative accountability is around 20 percent. When there are five protests significantly featuring primarily women in the country, the probability increases to 24.6 percent. When there are thirty protests in a given country-year, the probability of adopting legislative accountability for wartime sexual violence exceeds 60 percent.<sup>12</sup>

The pattern is similar with the increase in women's protests in the capital city (the middle panel of Figure 2). When there are five protests organized by women in the capital city, the probability of adopting legislative accountability is 41.4 percent. Women's protests in the capital city increase the probability much more rapidly than women's protests countrywide, alluding to how protests organized by women in the capital attract greater attention from both international and domestic constituents, where the government will be more incentivized to take "appropriate" responses to demonstrate oneself as a legitimate and moral authority. These findings align with Tripp (2015)'s finding that women's movements are associated with gender reforms such as gender quota adoptions.

The right panel of Figure 2 shows that the number of memberships in women's INGOs is also associated with an increase in adopting legislative accountability. When a state has three memberships in women's INGOs, the probability of adopting legislative accountability is 15 percent. When it has four memberships, the probability increases to 26.2 percent. A greater number of memberships in these organizations suggests a greater level of demands governments face from them regarding women's rights and gender reforms.<sup>13</sup>

Table 5 reports the result of testing Hypothesis 3. Models 4, 5, and 6 test the effect of international pressure for justice such as UNSCRs and ICC interventions on adopting judicial accountability. As predicted by hypothesis 3, all three measure of international pressures - *Number of UNSCRs*,

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<sup>12</sup>I also run an interaction between the level of CRSV and women's demands for justice. In countries with protests mobilized by women, a greater level of CRSV by security forces lead to an increase in probability of adopting legislative accountability. Results are reported in Appendix.

<sup>13</sup>Not all type of governments are responsive to women's voices, however. I run a series of post-hoc analysis that tests whether the regime type conditions how governments respond to these broad demands for gender justice. I find that democratic states with women's protests in the capital city are more likely to adopt legislative accountability. See Appendix for results.

Table 4: Women's Demands for Gender Justice

	<i>Dependent variable:</i>					
	Legislative Accountability			Judicial Accountability		
	(1)	(2)	(3)	(4)	(5)	(6)
$Protests_{t-1}$	0.062** (0.026)			0.045 (0.043)		
Capital $Protests_{t-1}$		0.251*** (0.095)			0.144 (0.128)	
Women's INGOs			0.689** (0.331)			0.684* (0.415)
$CRSV_{t-1}$	0.529*** (0.174)	0.544*** (0.173)	0.505*** (0.172)	0.463 (0.332)	0.477 (0.326)	0.563* (0.295)
Polity Score	0.005 (0.032)	0.016 (0.034)	0.015 (0.039)	-0.032 (0.067)	-0.024 (0.063)	-0.029 (0.076)
Log GDP per capita	-0.093 (0.119)	-0.069 (0.114)	-0.122 (0.102)	-0.045 (0.172)	-0.025 (0.166)	-0.100 (0.195)
Gender Empowerment	0.382** (0.164)	0.330** (0.164)	0.142 (0.207)	0.284 (0.249)	0.255 (0.259)	0.161 (0.334)
High Court Independence	0.078 (0.163)	0.123 (0.158)	0.052 (0.187)	0.052 (0.227)	0.081 (0.236)	0.064 (0.219)
Amnesty	-0.235 (0.492)	-0.265 (0.492)	-0.325 (0.486)	-0.194 (0.254)	-0.222 (0.258)	-0.294 (0.280)
Average Intensity	-0.315 (0.436)	-0.276 (0.419)	-0.348 (0.426)	-0.250 (0.463)	-0.205 (0.485)	-0.234 (0.528)
Count of Conflicts	0.607 (0.449)	0.662 (0.443)	0.564 (0.384)	0.861** (0.353)	0.891*** (0.345)	0.958** (0.375)
Post Conflict Years	0.072 (0.185)	0.098 (0.178)	0.101 (0.185)	-0.013 (0.190)	0.008 (0.192)	0.087 (0.176)
Constant	-0.851 (2.503)	-1.453 (2.317)	-2.259 (2.158)	-1.638 (3.838)	-2.141 (3.653)	-2.802 (3.884)
Observations	360	360	330	360	360	330
Fixed Effect	Decade	Decade	Decade	Decade	Decade	Decade
AIC.	313.823	311.469	287.831	307.078	306.988	277.547

Note: Robust standard errors clustered by country.

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01



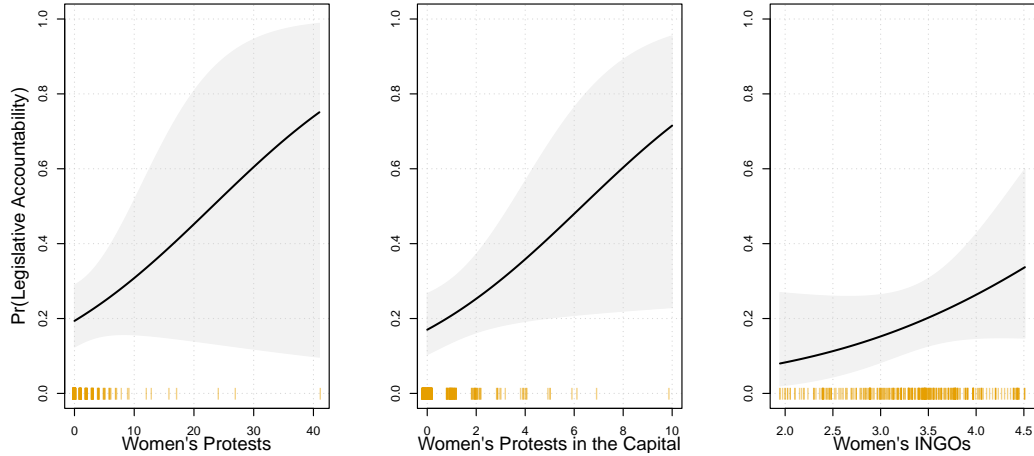


Figure 2: Predicted Probability of Legislative Accountability by Women's Demands for Gender Justice

Note: Estimates for probability of legislative accountability are generated from Models 1, 2, and 3 from Table 4, respectively. All other covariates are held at their mean or mode values.

*Highest Level of UNSCRs*, and *ICC Warrants* - hold positive and statistically significant coefficients across models. Model 4 suggests that when there is a greater number of targeted UNSCRs in a given country-year, governments are more likely to adopt judicial accountability. The finding is consistent with *Highest Level of UNSCRs* in model 5. As the level of actions proposed in the UNSCR increases in a given country-year, judicial accountability is likely to be adopted.

Model 6 reports that *ICC Warrants* are positively and statistically significantly associated with the adoption of judicial accountability. The result suggests that when there is a greater number of ICC prosecutorial activities regarding CRSV, governments are more likely to adopt judicial measures at the domestic level. When there are greater conflict-specific demands for gender justice, we are more likely to see governments adopting judicial accountability for wartime sexual violence.

On the other hand, as expected, international pressures for justice seem to be not associated with the adoption of legislative accountability for CRSV. Models 1, 2, and 3 of Table 5 report that *Number of UNSCRs*, *Highest Level of UNSCRs* and *ICC Warrants* do not have statistically significant relationships with legislative accountability. International pressures for justice may not necessarily increase the probability of adopting legislative measures.

Substantively, Figure 3 reports the predicted probability of judicial accountability by the increase of international pressures for justice. When there is no Resolution targeting the government (left panel), the predicted probability of adopting judicial accountability is 13.3 percent. We can

visually see that the predicted probability of adopting judicial accountability increases steeply as there are greater number of resolutions targeting the government. For example, when there are seven resolutions in a year that target the government, it is 52 percent likely to adopt judicial accountability, about four times more likely than when there was no targeted resolution.

The pattern is consistent with an increase in the *Highest Level of UNSCRs* (middle panel). When the highest level is one (=resolution pertaining to conflict), the probability of adopting judicial accountability is 21 percent. When the highest level of UNSCR is four (=sanction or siege), the probability increases to 47.7 percent.

We find similar trends when there is an increase in the *ICC Activities* (right panel). When there is no ICC warrant issued, the predicted probability of adopting judicial accountability is 15.3 percent. However, the predicted probability of adopting judicial accountability increases steeply as there are more ICC warrants including charges of CRSV. When there is one ICC warrant, the probability of judicial accountability increases to 30 percent, two times more likely than when there was no ICC intervention. This suggests that governments are more likely to respond to these interventions by adopting punitive measures like judicial accountability which helps them to distance the authority from the violent groups.

As a post-hoc analysis, I also test how conflict termination and leader culpability affects adoption of accountability for CRSV, limiting the sample to post-conflict periods only. Governments that ended the conflict in victory are more likely to adopt judicial accountability than those that ended in peace negotiations, supporting the victor's justice story where trial are actively adopted as a retribution (Kim and Hong 2019). This also hints toward the selective prosecution argument that governments will try to minimize the costs of punishment. Using Sudduth (2021)'s measure on culpability, I also find that governments that are culpable of the intrastate conflicts are likely to adopt legislative accountability for CRSV; however, the relationship is not statistically significant with judicial accountability. This again supports the argument of this paper that legislative accountability is adopted when governments are compelled to not disclose past abuses. See Appendix for results.

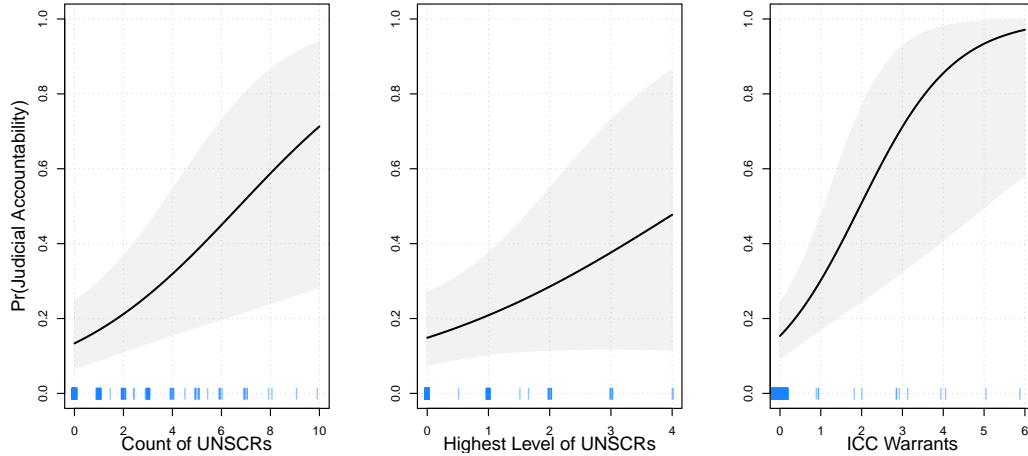
Table 6 tests selective prosecution hypotheses (H4). Models 1, 2, and 3 report the effect of international pressures on prosecution of low-rank soldiers of the security forces. Supporting

Table 5: International Pressure for Justice

	<i>Dependent variable:</i>					
	Legislative Accountability			Judicial Accountability		
	(1)	(2)	(3)	(4)	(5)	(6)
Number of UNSCRs	0.102 (0.067)			0.278*** (0.104)		
Highest Level of UNSCRs		0.257 (0.196)			0.414* (0.221)	
ICC Warrants			0.147 (0.156)			0.871*** (0.199)
$CRSV_{t-1}$	0.427** (0.199)	0.442** (0.198)	0.545*** (0.172)	0.359 (0.265)	0.467* (0.268)	0.396 (0.324)
Polity Score	-0.001 (0.039)	0.001 (0.041)	0.014 (0.032)	-0.047 (0.105)	-0.035 (0.111)	-0.039 (0.053)
Log GDP per capita	-0.014 (0.102)	-0.012 (0.111)	-0.049 (0.105)	0.100 (0.206)	0.100 (0.215)	-0.054 (0.155)
Gender Empowerment	0.143 (0.190)	0.129 (0.193)	0.364** (0.166)	0.325 (0.406)	0.271 (0.402)	0.265 (0.248)
High Court Independence	0.017 (0.169)	0.017 (0.175)	0.108 (0.171)	0.057 (0.327)	0.091 (0.339)	0.100 (0.228)
Amnesty	-0.466 (0.506)	-0.436 (0.506)	-0.332 (0.485)	-0.273 (0.326)	-0.163 (0.338)	-0.434 (0.286)
Average Intensity	-0.129 (0.458)	-0.082 (0.465)	-0.154 (0.415)	-0.770 (0.631)	-0.673 (0.610)	-0.045 (0.505)
Count of Conflicts	0.471 (0.465)	0.468 (0.450)	0.613 (0.434)	0.945** (0.388)	0.963*** (0.363)	0.870** (0.385)
Post Conflict Years	0.312 (0.288)	0.342 (0.291)	0.116 (0.185)	-0.226 (0.371)	-0.123 (0.339)	0.053 (0.202)
Constant	-2.660 (2.301)	-2.730 (2.496)	-2.000 (2.131)	-4.873 (4.604)	-4.805 (4.778)	-1.654 (3.427)
Observations	243	243	360	243	243	360
Fixed Effect	Decade	Decade	Decade	Decade	Decade	Decade
AIC.	228.223	228.305	315.555	210.457	216.342	292.226

Note: Robust standard errors clustered by country.

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01



**Figure 3: Predicted Probability of Judicial Accountability by International Pressure for Justice**  
*Note: Estimates for probability of judicial accountability are generated from Models 4, 5, and 6 from Table 5, respectively. All other covariates are held at their mean or mode values.*

the theoretical expectation, we find a statistically significant and positive relationship between conflict-specific demands for gender justice and prosecutions of low-rank soldiers but not high-ranked officers. Because coefficients are not directly comparable across models, we must look at the predicted probabilities of prosecutions by type.

Figure 4 reports probability of punishing low-rank members and high-rank officers of the security forces. When there is no targeted UNSCR (*Targeted UNSCRs* = 0), the predicted probability of low-rank soldier prosecution is 7.2 percent, while that of the high-rank officer is 5.7 percent. When four UNSCRs target the government (*Targeted UNSCRs* = 4), the predicted probability of prosecution of low-ranked soldiers increases to 18 percent, while that of high-ranked officers remains 6.8 percent.

Figure 5 reports the probability of prosecution of each rank by the level of UNSCR. The probability of prosecuting high-rank officers even gradually decrease as the highest level of targeted UNSCRs increase. When the level is one (= resolution pertaining to conflict), the probability of punishing high-rank officers is 4.9 while that of low-rank soldiers is 11.6 percent. When the level is four (= sanction or siege), the probability of prosecuting high-rank officers decreases to 2.3 percent while that of low-rank soldiers is 32.6 percent. This evidence supports the selective prosecution hypothesis that when there are targeted interventions, it is likely to prosecute those with lower political costs: low-rank soldiers.

Table 6: Selective Prosecution of CRSV

	<i>Dependent variable:</i>					
	Low Rank Sec Forces			High Rank Sec Officials		
	(1)	(2)	(3)	(4)	(5)	(6)
Number of UNSCRs	0.261** (0.115)			0.048 (0.123)		
Highest Level of UNSCRs		0.430 (0.341)			−0.255 (0.553)	
ICC Warrants			0.652*** (0.131)			0.287* (0.171)
$CRSV_{t-1}$	0.427 (0.355)	0.523 (0.336)	0.689* (0.410)	0.698** (0.319)	0.783* (0.435)	0.923*** (0.299)
Polity Score	0.042 (0.107)	0.056 (0.112)	0.009 (0.076)	0.065 (0.127)	0.065 (0.120)	−0.100 (0.078)
Log GDP per capita	0.117 (0.191)	0.113 (0.212)	0.100 (0.167)	0.158 (0.230)	0.129 (0.231)	0.235 (0.221)
Gender Empowerment	0.250 (0.502)	0.179 (0.506)	0.101 (0.446)	0.781 (0.778)	0.751 (0.742)	0.847** (0.414)
High Court Independence	0.229 (0.444)	0.212 (0.463)	0.257 (0.360)	0.086 (0.403)	0.128 (0.407)	−0.046 (0.334)
Amnesty	0.046 (0.340)	0.148 (0.353)	−0.238 (0.342)	−16.784*** (0.738)	−16.824*** (0.687)	−16.238*** (0.612)
Average Intensity	−0.526 (0.608)	−0.452 (0.610)	0.016 (0.427)	−1.671*** (0.584)	−1.799** (0.842)	−1.235*** (0.391)
Count of Conflicts	0.534 (0.477)	0.571 (0.473)	0.780 (0.534)	1.056** (0.501)	1.193* (0.710)	1.017* (0.519)
Post Conflict Years	−0.648 (0.484)	−0.528 (0.484)	−0.431 (0.455)	−0.372 (0.259)	−0.365 (0.247)	−0.572 (0.429)
Constant	−5.611 (4.799)	−5.474 (5.273)	−5.822 (4.125)	−8.509 (6.003)	−7.666 (5.664)	−10.768** (5.336)
Observations	243	243	360	243	243	360
Fixed Effect	Decade	Decade	Decade	Decade	Decade	Decade
AIC.	152.452	155.558	169.856	82.695	82.593	107.706

Note: Robust standard errors clustered by country.

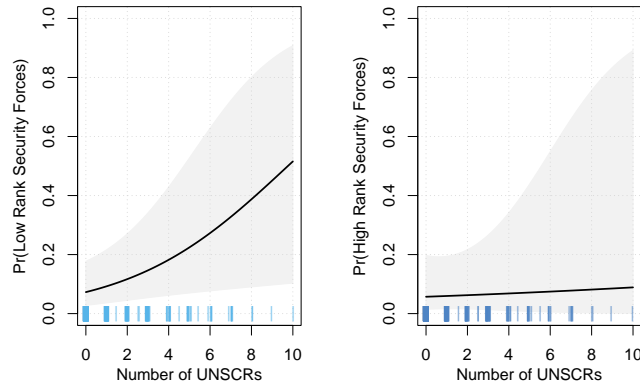
\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

The finding is consistent when we test the hypothesis with *ICC Warrants*. Figure 6 shows that the predicted probability of low-ranked soldiers increases more rapidly as there is an increase in the number of ICC Warrants issued than that of high-ranked officers (right). When there are no ICC activities (*ICC Warrants* = 0), the predicted probability of prosecuting low-ranked soldiers is 4.8 percent while that of high-ranked officers is 4.9 percent. When there are four cumulative warrants issued by the ICC that include CRSV as charges (*ICC Warrants* = 4), the predicted probability of prosecuting low-ranked soldiers increases to 40.7 percent, almost three times that of when there were no ICC warrants. However, the predicted probability of prosecuting high-ranked soldiers is 14.1 percent. In other words, when there are four ICC warrants in one country, the probability of prosecuting low-ranked soldiers is three times that of high-ranked officers. The result overall supports the selective prosecution hypothesis that when faced with international pressures and interventions, governments are more likely to prosecute those with lower political costs than high-rank officers to minimize the political costs of punishment and frame CRSV as an individual deviation.

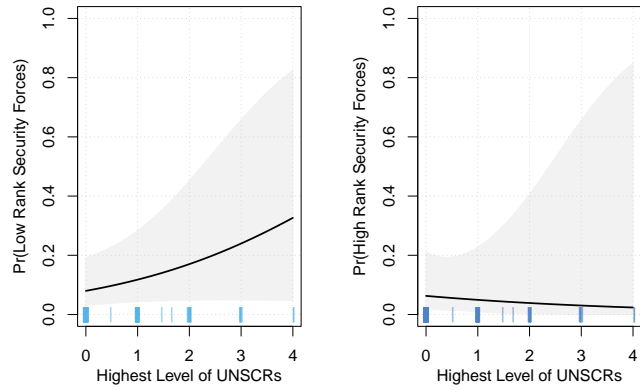
Regarding control variables, Models 4, 5, and 6 of Table 6 reports that the existence of *Amnesty* is negatively associated with the prosecution of high-rank officers. This finding conforms with the existing research where amnesty legislation is strategically used by leaders and high-rank elites when they are responsible for the abuse (Nalepa 2010). The findings also support recent research on how amnesties can worsen CRSV by normalizing impunity (Binningsbø and Nordås 2022). The result also reports that as the conflict becomes more intense, we are less likely to witness prosecutions of high-ranked officers for committing wartime sexual violence. This finding could suggest that the authorities are less likely to punish high-rank officers for somewhat “less important” matters during intense conflicts.

## 5 Robustness Check

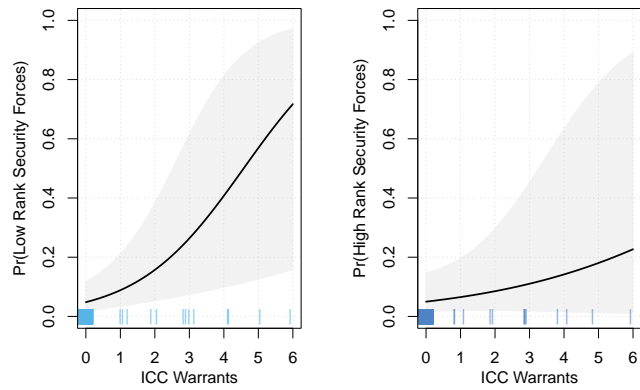
One issue that can be raised from the finding is that women’s protests are not randomly assigned to these governments. In other words, states that have women’s protests and those that do not could have pre-existing differences. For example, women’s protests may more likely occur in states in which governments are close to adopting accountability measures for CRSV. Protests could be organized in states that need a final push to adopt legislative measures.



**Figure 4:** Predicted Probability of Prosecuting Low Rank (left) and High Rank (right) of Security Forces by Number of UNSCRs  
*Note: Estimates for probability of prosecution of each rank are generated from Models 1 and 4 from Table 6, respectively. All other covariates are held at their mean or mode values.*



**Figure 5:** Predicted Probability of Prosecuting Low Rank (left) and High Rank (right) of Security Forces by Level of UNSCRs  
*Note: Estimates for probability of prosecution of each rank are generated from Models 2 and 5 from Table 6, respectively. All other covariates are held at their mean or mode values.*



**Figure 6:** Predicted Probability of Prosecuting Low Rank (left) and High Rank (right) of Security Forces by ICC Warrants  
*Note: Estimates for probability of prosecution of each rank are generated from Models 3 and 6 from Table 6, respectively. All other covariates are held at their mean or mode values.*

To address the selection bias, I use coarsened exact matching (CEM) to reduce the imbalance between the treatment group (states with women's protests) and the control group (states with no women's protests) (Iacus, King and Porro 2012). I match observations based on features that can affect the number of women's protests and can be related to the state's will and capacity to adopt accountability for wartime sexual violence: the level of gender empowerment of the society (*Gender Empowerment*), state institutional capacity (*Log GDP per capita*), and the level of democracy (*Polity Score*). Using these matching variables, I create a treatment and control group that has less imbalance than the original data. To address the remaining imbalances, I add additional control variables to the model. The findings are consistent with *Women's Protests* and *CapitalProtests*. Therefore, we can conclude that women's protests as a treatment, both nationally and in the capital city, increase the probability of the government adopting legislative accountability for CRSV.

I also check the robustness of findings by controlling the number of legislative accountability measures that were enacted in the previous years. As discussed earlier, existing laws can affect the probability of adopting new laws. When controlling for the cumulative number of legislative accountability measures that were adopted in the previous years, findings still hold constant. Women's protests and those in the capital city are still associated with the adoption of legislative accountability for wartime sexual violence.

I also run a robustness check by measuring the judicial interventions of the ICC in different ways. The earlier version measure of the *ICC Warrants* is narrowed to the arrest warrants that include wartime sexual violence as their charges. However, given that the ICC has not issued that many arrest warrants and the investigations of cases can include examination of wartime sexual violence, I check the robustness of findings with the *ICC Investigations*. *ICC Investigation* is coded 1 starting the year the Office of Prosecutor of the ICC started an investigation of the case. For example, the office started investigating the DRC in 2004. The findings remain consistent. When there are ICC investigations in the country, the government is more likely to adopt judicial accountability for wartime sexual violence, but not legislative accountability.

It is also interesting that *ICC Ratification* of the Rome Statute does not explain the adoption of judicial accountability. In other words, being under the jurisdiction of the ICC does not explain why some states adopt judicial accountability for wartime sexual violence. Rather, as argued in



this paper, the ICC activities, by incurring costs on governments as a form of naming and shaming and shedding light on the horrific nature of CRSV, incentivize them to adopt judicial accountability. All results of robustness check analyses are reported in Appendix.

## 6 Conclusion

This paper contributes to understanding accountability as a strategy conflict-affected governments can deploy. This paper shows how accountability for CRSV can be strategically deployed as a means to cover past abuses or to distance from the violent entity. The strategic framework of accountability furthers our understanding of why we examine the variance of accountability for CRSV across conflicts and countries. The theory can explain why many conflict-affected states adopt various accountability measures but falls behind actually punishing the perpetrators.

This paper finds that women's protests are important factors explaining adoption of legislative accountability for CRSV. Feminist scholars for a long time claimed that social movements and activists are the key players in promoting women's rights and gender justice in a post-conflict society (Agerberg and Kreft 2020; Berry 2017; 2018; Htun and Weldon 2012; 2018; Hughes and Tripp 2015; Tripp 2015). This paper contributes to these studies by demonstrating that women's protests can pressure governments to adopt legislative measures even during the civil war. It further implies that empowering and mobilizing women in the local context is important in installing accountability for CRSV.

The paper also expands the study of conflict justice in two ways. First, by showing variance of measures adopted in response to CRSV, the research shows how accountability of CRSV warrants more academic attention. This paper finds that the context where the demands for justice are made and the culpability of armed groups are important in understanding adoption of justice measures for CRSV. How governments try to refigure themselves as the "protector" of women and girls are important in understanding adoption of accountability measures. The research implies that gender should be considered in the center of conflict justice literature.

Second, the paper also contributes to the existing research by emphasizing the importance and variation of accountability measures relatively overlooked at the domestic level. While there has been some pioneering work examining domestic accountability measures (Lake 2018; Seelinger

2014; 2020), most discussions on accountability for CRSV has remained at the international level. The study shows that surprisingly more actions are taken by conflict-affected governments at the domestic level and these institutions should be studied more carefully. Understanding the conditions that increase the probability of installing these measures are keys to bringing justice back home.

This paper also provides a novel dataset on domestic accountability for CRSV. While there are extensive in-depth case studies that examine how accountability is used as a tool to promote legitimacy (Loken, Lake and Cronin-Furman 2018), no study has yet tested the argument cross-nationally or cross-time. Quantitative analysis of this paper allows for expanding our understanding beyond particular cases and finding empirical supports for existing theories. The SVAM dataset will provide an opportunity for future research that explores the causes and effects of domestic accountability for CRSV, such as how existence of (even limited) accountability for CRSV affects women's lives and gender equality in the post-conflict period.

The finding of this paper also has multiple policy implications. This paper warns against the over-optimism of what we hear as "good news" regarding responses to CRSV. As impunity for CRSV has been the default of many armed conflicts, an effort to address CRSV has been welcomed and acclaimed by the international community. However, this research, by suggesting the strategic motivation behind adopting legislative and judicial accountability, stresses that we should carefully scrutinize these measures whether they are actually serving the needs of victims and survivors.

The research also suggests that it is important to scrutinize the long-run implementation of these measures to make sure they do not end up as a one-use political tool. How these measures are implemented at the local level is a relatively overlooked topic. For example, the Ugandan government has been praised by the international community for installing the Special Court; however, no members of the security forces have been prosecuted so far. This suggests that it is important for domestic and international agents to monitor the implementation of these measures in the long run. At the same time, even if the accountability measure was strategically adopted initially not in pursuit of justice, adoption of these measures often incite further social mobilization and also, in a long-run, a norm change in the society (Htun and Jensenius 2022).

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# Appendix

## *Bringing Justice Back Home?*

### *Domestic Accountability for Conflict-Related Sexual Violence*

Sumin Lee\*

#### A. SVAM Data Collection

The dataset documents all African countries that have experienced civil wars, not limited to those with reports of wartime sexual violence. One could assume that domestic accountability for wartime sexual violence will be adopted in countries that have experienced wartime sexual violence. Conflict scholars argue that wartime sexual violence does not occur in all civil wars (Cohen, Hoover Green and Wood, 2013; Cohen and Nordås, 2014; Wood, 2006). However, I expand my dataset to all conflict-affected countries based on the feminist claim that sexual violence is highly underreported in conflicts (Davies and True, 2017). Sexual violence during conflict is often invisible as the society and the family stigmatizes the victims, making them reluctant to report. Often faced with the fear of reprisals and violent threats, victims and survivors fail to report violence.<sup>1</sup> Hence, it is not a difficult assumption to make that every civil war involves at least some level of sexual violence and, hence, in every conflict-affected society, accountability for wartime sexual violence can be demanded by the public and thus carried out by the authority.<sup>2</sup>

To collect information for each indicator, I explored the following primary and secondary sources available between 1998 and 2018: the United States Annual Reports of Human Rights Practices, Amnesty International Annual Reports, and Human Rights Watch Report, special reports published by Amnesty International and Human Rights Watch.

I also utilize other secondary sources to gather more details of each accountability measure observed. For legislative accountability, I utilized the periodic reports of the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) to gather information on different laws and plans on sexual and gender-based violence. For prosecutorial cases, I have also used case reports by the TRIAL International and International Federation for Human Rights (FIDH), both prominent NGOs supporting victims' access to justice, to gather additional information about each prosecutorial case.

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<sup>1</sup>In a recent publication, Koos and Traunmüller (2022) found that when using list experiments to survey experience of wartime sexual violence, the prevalence rates increase by twice to ten times than direct questions, suggesting that sexual violence is likely to be underreported due to social stigmatization.

<sup>2</sup>While I acknowledge the underreporting bias of wartime sexual violence, I am less concerned of underreporting bias of accountability for wartime sexual violence. When costly measures such as accountability for wartime sexual violence are adopted in seek of international and domestic legitimacy, governments would promote them to the public so that they can reach the targeted audiences.



## B. SVAM Indicators

In this section, I explain decisions to include each indicator of legislative accountability and judicial accountability and how they measure governments' efforts to address CRSV.

### 1. Legislative Accountability

*Legislative accountability* includes four indicators: (1) laws about sexual and gender-based violence; (2) criminalization of sexual violence as an international crime; (3) national policies or action plans against sexual and gender-based violence; and (4) national action plans to implement UNSCR 1325.

New legislation and policy initiatives do not happen over a night but rather take a substantial amount of time to be created or get approval. These events enter the dataset when they are approved at the upper chamber (or lower chamber if unicameral) or signed by the head of the state. Therefore, the dataset does not include legislative measures that are proposed but stalled in the legislature or the executive. For example, a draft law on supporting victims of wartime sexual violence was circulated in the Libyan Ministry of Justice in 2013. It was finally announced as a decree that recognizes victims of wartime sexual violence as victims of war in February of 2014.

First, I include laws about sexual and gender-based violence in general, not narrowly confined to conflict-related sexual violence. This is because normally, CRSV is discussed as a part of violence against women or sexual and gender-based violence legally, not separately. These laws aim to prevent future abuses by either redefining sexual and gender-based violence or criminalizing violence against women. They can also enhance the maximum sentence for committing sexual violence. For example, the Liberian government passed the new Rape Law in 2005 which increased the maximum sentence rapists can get, from seven years to life imprisonment. While the law was not confined to CRSV, it was adopted in response to extreme level of CRSV during its long civil wars and in internally-displaced people's (IDP) camps.

Second, I collect when the government domesticated the Rome Statute; i.e. criminalized sexual violence as an international crime. The Rome Statute defines sexual violence as a crime against humanity and a war crime. Recognizing sexual violence as an international crime in the domestic legal system is important in installing gender justice. Existing penal codes that do not criminalize sexual violence as a crime against humanity and a war crime mostly assume a framework of a single victim, a single perpetrator, and a single situation, disregarding complex conflict situations (Seelinger, 2014). Criminalizing sexual violence as an international crime also recognizes that the abuse of power plays throughout the conflict and the nominal consent of the victim should be understood differently in conflict settings (Lake, 2014). For example, Burundi in 2003 amended its penal code to criminalize the crime of genocide, war crimes and crimes against humanity (Law No. 1/004/2003). This finally recognized war rape as a crime against humanity in the domestic legal system.

Third, the dataset also includes information about national action plans or policies to tackle sexual and gender-based violence. This is important to include in this dataset as some governments lack legal capacity or wills to create new laws. Policies then come in as a handy option as governments can create without assistance from the legislature and promote their moral images to the international community. While again these measures are not narrowly confined to CRSV, they delineate how the government plans to address sexual and gender-based violence, specifying its plan to install new institutions or pass new laws that prevent violence against women and promote women's access to justice.

Lastly, national action plans to implement UNSCR 1325 is included under legislative accountability. This refers to a national level plan and strategy on implementation of Women, Peace and Security (WPS) agenda of the United Nations (George and Shepherd, 2016). While these national

action plans are international partnered agenda at the local level, it is meaningful legislative measure as it includes detailed strategies on how the government plans to end impunity for CRSV and how they plan to prevent future violence against women.

## 2. Judicial Accountability

*Judicial accountability* includes three indicators: (1) prosecution or arrest of perpetrators who committed CRSV; (b) special court on sexual violence; and (c) special prosecutorial or unit.

First, the dataset includes information on prosecution of perpetrators who have committed CRSV. However, in some cases it is difficult to tell whether the incident was “conflict-related”. I include cases that had descriptions of the incident that *evidently* demonstrates that armed groups (e.g., security forces, rebel groups, militias) conducted the violence in the conflict context (e.g., armed operations, at internally displaced people camps, etc). For example, if a soldier was arrested and prosecuted for raping a girl in a village where there were armed operations, it is included in the dataset. However, if a police officer was arrested and prosecuted for raping a girl who was detained in the police office for not paying fees, this is not included in the dataset as it is far from being related to the civil war.

The indicator includes both prosecution (trials) and arrests for several reasons. During civil wars, arrests of perpetrators often do not lead to actual trials. For example, some perpetrators would run away from the cell easily and never get stood in trials. Sometimes, whether trials proceeded are not known. While arrests may have never led to actual trials (or not reported even if it did), arresting members of armed groups for committing CRSV still signals that the government is willing to respond to CRSV. In many cases, governments will announce that they will investigate the issue but never lead to any arrest or prosecution. Therefore, I code both prosecution and arrests as meaningful measures to address CRSV.

To test selective prosecution hypothesis, I also collect information on rank of member(s) of armed groups prosecuted/arrested. The accused is coded as low-rank when he is described as a soldier, usually unnamed. The accused is coded as high-rank when his rank is higher than officer. This includes rank such as Lieutenant, Colonel, and Captain. I acknowledge that rank and file systems differ across countries. In cases where the rank of the individual is not provided, I assumed that when the perpetrators’ names are provided by the secondary source (e.g., the U.S. State Department Report), they are high-ranked officers or authority who were recognizable by the international community. Those who are ministers, presidents, and heads of security sectors are counted as high-ranked as well (e.g., [Kim, 2012](#)).

Second, the dataset also includes special courts that are installed to investigate and prosecute CRSV. This could be in either form: special court on sexual and gender-based violence or special court on international crimes. The former includes special courts that are installed to address overflowing number of cases of sexual and gender-based violence the regular courts cannot handle. For example, the South Sudan Army established a special martial court to prosecute soldiers that committed gang rape and other crimes during an attack. Governments also install special courts that adopt international criminal law and, therefore, prosecuting perpetrators who committed CRSV under the charges of crimes against humanity and war crimes. For instance, the government of Central African Republic installed the Special Criminal Court (SCC) in 2015 to prosecute human rights violations including genocide, war crimes, and crimes against humanity.

Lastly, judicial accountability measure includes special prosecutorial or police units that are created to investigate, monitor, or prosecute cases of sexual and gender-based violence or international crimes. These special units are important in assisting prosecutorial processes ([Seelinger, 2014](#)). For example, Liberia installed a Sexual and Gender-Based Violence Crimes Unit under the Prosecutor’s Office in 2009 to improve prosecutions of sexual and gender-based violence with an

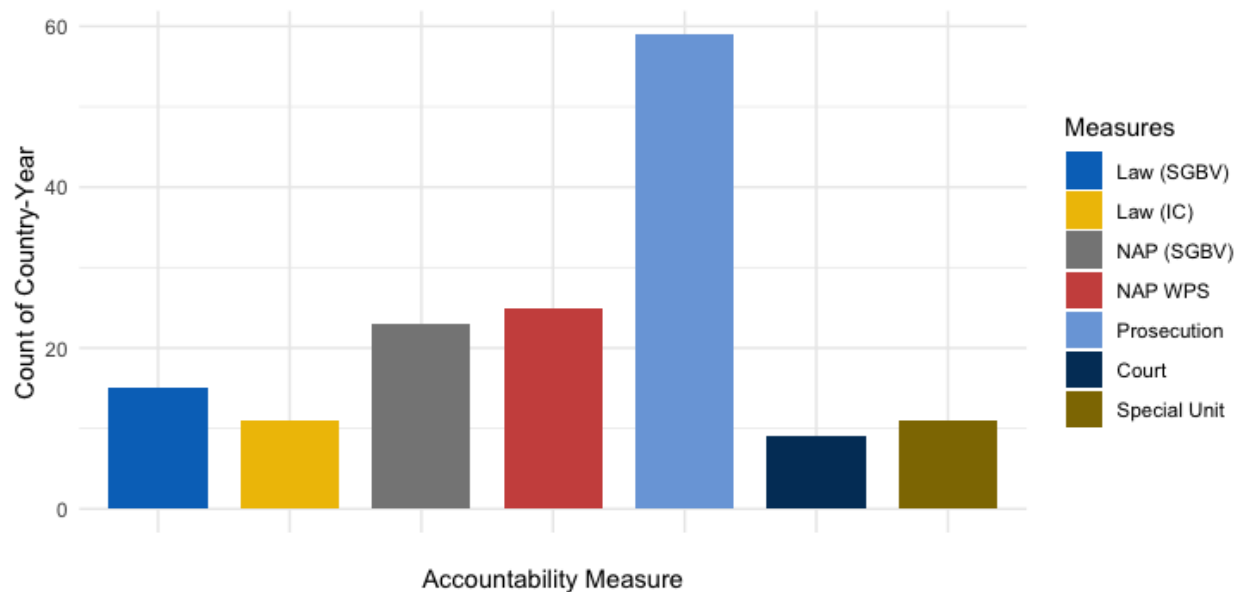


Figure 1: Number of Country-Years Reporting Each Measure

emphasis on a victim-centric approach. Somalia, for instance, also installed Sexual Violence Unit within the Attorney General's Office to improve the government's capacity to end impunity for sexual violence.

Figure 1 descriptively shows the number of country-years with reports of each indicator. While legislative measures are not necessarily comparable with judicial measures (since the process to adopt one law is different from one trial), it still shows a good overview of the dataset. Prosecution is most common measure to be adopted and national action plans follow.

## C. Interaction of Protests and CRSV

Table 1: Interaction of Protests and CRSV

	<i>Dependent variable:</i>			
	Legislative Accountability		Judicial Accountability	
	(1)	(2)	(3)	(4)
$Protests_{t-1}$ (0,1)	-0.178 (0.264)		0.943** (0.429)	
Capital $Protests_{t-1}$ (0,1)		0.286 (0.291)		0.388 (0.558)
$CRSV_{t-1}$	0.181 (0.277)	0.434 (0.274)	0.343 (0.291)	0.498* (0.293)
$Protests_{t-1}$ (0,1) x $CRSV_{t-1}$	0.799* (0.469)		0.192 (0.409)	
Capital $Protests_{t-1}$ (0,1) x $CRSV_{t-1}$		0.245 (0.378)		-0.081 (0.328)
Polity Score	0.012 (0.033)	0.016 (0.033)	-0.036 (0.058)	-0.022 (0.062)
Log GDP per capita	-0.070 (0.127)	-0.054 (0.111)	-0.075 (0.168)	-0.012 (0.165)
Gender Equality	0.430** (0.182)	0.353** (0.170)	0.348 (0.257)	0.252 (0.254)
High Court Independence	0.068 (0.165)	0.101 (0.156)	0.044 (0.241)	0.084 (0.237)
Amnesty	-0.092 (0.513)	-0.236 (0.520)	-0.121 (0.254)	-0.242 (0.262)
Average Intensity	-0.373 (0.437)	-0.283 (0.471)	-0.322 (0.503)	-0.179 (0.496)
Count of Conflicts	0.729* (0.424)	0.689* (0.417)	1.055*** (0.381)	0.907** (0.361)
Post Conflict Years	0.095 (0.177)	0.107 (0.180)	0.015 (0.192)	0.024 (0.189)
Constant	-1.313 (2.611)	-1.794 (2.262)	-1.179 (3.586)	-2.510 (3.589)
Observations	360	360	360	360
Fixed Effect	Decade	Decade	Decade	Decade
AIC.	312.620	315.919	303.059	309.509

Note: Robust standard errors clustered by country.

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

## D. Post Hoc Analysis

Table 2: Interaction with Polity Score

	<i>Dependent variable:</i>					
	Legislative Accountability			Judicial Accountability		
	(1)	(2)	(3)	(4)	(5)	(6)
<i>Protests<sub>t-1</sub></i>	0.045 (0.062)			0.211* (0.128)		
Capital <i>Protests<sub>t-1</sub></i>		0.182* (0.095)			0.214* (0.128)	
Women's INGOs			0.722** (0.323)			0.617 (0.426)
Polity Score	0.001 (0.034)	-0.020 (0.038)	-0.189 (0.219)	-0.004 (0.081)	0.001 (0.071)	0.400 (0.374)
Protests x Polity	0.003 (0.007)			-0.027 (0.019)		
Capital Protests x Polity		0.045* (0.025)			-0.032 (0.021)	
Women's INGOs x Polity			0.056 (0.060)			-0.118 (0.094)
<i>CRSV<sub>t-1</sub></i>	0.535*** (0.178)	0.552*** (0.171)	0.512*** (0.170)	0.406 (0.328)	0.474 (0.324)	0.562* (0.296)
Log GDP per capita	-0.093 (0.120)	-0.095 (0.123)	-0.157 (0.122)	-0.055 (0.178)	-0.008 (0.164)	-0.035 (0.208)
Gender Equality	0.381** (0.166)	0.346** (0.170)	0.143 (0.215)	0.296 (0.258)	0.240 (0.261)	0.160 (0.336)
High Court Independence	0.077 (0.165)	0.090 (0.158)	0.052 (0.191)	0.069 (0.228)	0.114 (0.237)	0.072 (0.209)
Amnesty	-0.241 (0.494)	-0.257 (0.485)	-0.313 (0.484)	-0.140 (0.256)	-0.229 (0.257)	-0.307 (0.285)
Average Intensity	-0.309 (0.441)	-0.312 (0.428)	-0.349 (0.427)	-0.297 (0.467)	-0.180 (0.487)	-0.227 (0.514)
Count of Conflicts	0.598 (0.449)	0.644 (0.449)	0.584 (0.386)	0.954** (0.371)	0.930*** (0.355)	0.923** (0.366)
Post Conflict Years	0.072 (0.186)	0.083 (0.177)	0.098 (0.185)	-0.003 (0.185)	0.027 (0.189)	0.103 (0.171)
Constant	-0.854 (2.504)	-0.848 (2.515)	-1.647 (2.521)	-1.446 (3.966)	-2.569 (3.598)	-3.981 (4.130)
Observations	360	360	330	360	360	330
Fixed Effect	Decade	Decade	Decade	Decade	Decade	Decade
AIC.	315.771	310.897	289.271	304.539	307.403	277.740

Note: Robust standard errors clustered by country.

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

Table 3: Post-Conflict Period Analysis

	<i>Dependent variable:</i>			
	Legislative Accountability		Judicial Accountability	
	(1)	(2)	(3)	(4)
<i>Base: Negotiation</i>				
No Activity	−0.209 (0.968)		1.041 (1.167)	
Victory	0.183 (0.646)		2.330*** (0.874)	
Culpability		0.938** (0.368)		0.570 (1.120)
$CRSV_{t-1}$	1.072*** (0.357)	1.285*** (0.417)	0.378 (0.734)	0.377 (0.692)
Polity Score	0.144 (0.102)	0.202*** (0.076)	0.136 (0.120)	0.093 (0.128)
Log GDP per capita	0.102 (0.201)	0.043 (0.186)	−0.125 (0.228)	−0.343 (0.334)
Gender Equality	1.109** (0.541)	1.049** (0.467)	1.615*** (0.442)	1.144* (0.585)
High Court Independence	−0.417 (0.296)	−0.218 (0.223)	−0.539** (0.272)	−0.001 (0.229)
Amnesty	−13.151*** (0.985)	−12.972*** (0.937)	−12.827*** (1.283)	−14.533*** (0.922)
Post Conflict Years	0.109 (0.227)	0.231 (0.278)	−0.087 (0.255)	−0.221 (0.246)
Constant	−6.760 (4.782)	−6.461 (4.703)	−2.797 (5.606)	3.885 (7.615)
Observations	140	125	140	125
Fixed Effect	Decade	Decade	Decade	Decade
AIC.	114.649	103.897	93.501	86.275

Note: Robust standard errors clustered by country. \*p<0.1; \*\*p<0.05; \*\*\*p<0.01

## E. Result of CEM

Table 4: Result of the Coarsened Exact Matching

	<i>Dependent variable:</i>			
	Legislative Accountability			
	(1)	(2)	(3)	(4)
$Protests_{t-1}$	0.972** (0.495)	0.898** (0.356)		
Capital $Protests_{t-1}$			0.687** (0.330)	0.622* (0.346)
$CRSV_{t-1}$		0.925*** (0.214)		0.623*** (0.163)
Polity Score		0.019 (0.055)		-0.041 (0.055)
Log GDP per capita		-0.225 (0.154)		-0.170 (0.139)
Gender Equality		0.497** (0.248)		0.469** (0.217)
High Court Independence		-0.303 (0.255)		0.426 (0.287)
Amnesty		-1.733 (1.161)		-2.466** (1.167)
Average Intensity		-1.111 (0.919)		-1.909*** (0.739)
Count of Conflicts		1.720*** (0.573)		1.063** (0.519)
Post Conflict Years		0.132 (0.287)		-0.318 (0.265)
Constant	-2.313*** (0.392)	1.147 (3.480)	-1.834*** (0.249)	2.471 (3.427)
Observations	248	248	256	256

Note:

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

## F. Controlling for Previous Legislative Accountability

Table 5: Previous Legislative Accountability Controlled

	<i>Dependent variable:</i>		
	Legislative Accountability		
	(1)	(2)	(3)
$Protests_{t-1}$	0.079** (0.033)		
Capital $Protests_{t-1}$		0.331*** (0.098)	
Women's INGOs			0.890** (0.386)
Previous Legislative	-0.279** (0.141)	-0.338** (0.151)	-0.328** (0.140)
$CRSV_{t-1}$	0.558*** (0.181)	0.587*** (0.183)	0.537*** (0.177)
Polity Score	-0.002 (0.035)	0.012 (0.037)	0.011 (0.041)
Log GDP per capita	-0.120 (0.141)	-0.092 (0.135)	-0.165 (0.122)
Gender Equality	0.508*** (0.193)	0.462** (0.188)	0.227 (0.238)
High Court Independence	-0.023 (0.182)	0.007 (0.183)	-0.091 (0.205)
Amnesty	-0.174 (0.499)	-0.200 (0.502)	-0.306 (0.485)
Conflict Intensity	-0.333 (0.442)	-0.288 (0.428)	-0.319 (0.438)
Count of Conflicts	0.666 (0.443)	0.748* (0.441)	0.599 (0.367)
Post Conflict Years	0.102 (0.194)	0.143 (0.190)	0.144 (0.195)
Constant	-0.403 (2.950)	-1.144 (2.735)	-2.124 (2.523)
Observations	360	360	330
Fixed Effect	Decade	Decade	Decade
AIC.	312.236	308.530	285.712

Note: Robust standard errors clustered by country.

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01



## G. Results with Different ICC Measures

Table 6: Different ICC Measures

	<i>Dependent variable:</i>			
	Legislative Accountability		Judicial Accountability	
	(1)	(2)	(3)	(4)
ICC Investigation	0.484 (0.353)		1.723*** (0.552)	
ICC Ratification		0.270 (0.288)		0.548 (0.490)
$CRSV_{t-1}$	0.501*** (0.192)	0.535*** (0.187)	0.220 (0.265)	0.430 (0.294)
Polity Score	0.023 (0.035)	0.005 (0.035)	−0.001 (0.069)	−0.046 (0.058)
Log GDP per capita	−0.038 (0.100)	−0.032 (0.111)	−0.006 (0.153)	0.016 (0.183)
Gender Equality	0.362** (0.169)	0.351** (0.178)	0.260 (0.321)	0.239 (0.259)
High Court Independence	0.068 (0.176)	0.086 (0.168)	−0.090 (0.254)	0.025 (0.242)
Amnesty	−0.352 (0.487)	−0.309 (0.483)	−0.402 (0.263)	−0.236 (0.266)
Average Intensity	−0.115 (0.426)	−0.128 (0.414)	0.046 (0.553)	−0.072 (0.474)
Count of Conflicts	0.559 (0.450)	0.600 (0.433)	0.754 (0.484)	0.854** (0.371)
Post Conflict Years	0.124 (0.187)	0.111 (0.183)	0.082 (0.192)	0.018 (0.192)
Constant	−2.301 (2.106)	−2.494 (2.280)	−2.939 (3.431)	−3.383 (4.171)
Observations	360	360	360	360
Fixed Effect	Decade	Decade	Decade	Decade
AIC.	314.295	315.559	287.533	306.219

Note: Robust standard errors clustered by country.

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

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