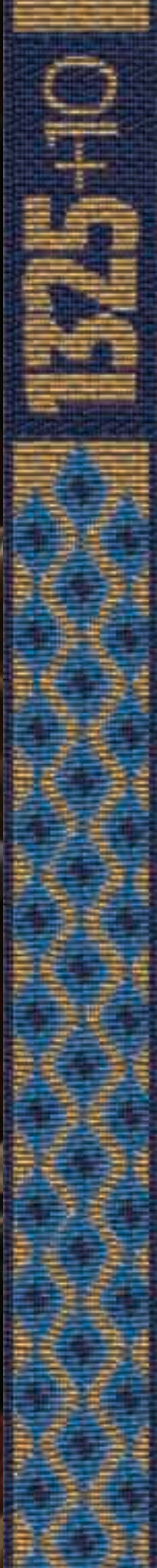


# Overview

**1325**  
**WOMEN**  
**COUNT**  
**+10 FOR**  
**PEACE**



United Nations  
Development Fund for Women  
**UNIFEM**  
part of UN Women



# Overview

On the cover: A group of women gather to listen to a Provincial Council woman candidate in Afghanistan, August 2009.

Inés Alberdi

## Foreword



**On this tenth anniversary of the unanimous passage of United Nations Security Council resolution 1325 (2000), women rightly expect that the UN will live up to its commitments to engage women in mediation and peace negotiations, prevent violence against women, and ensure women's needs are addressed in peacebuilding.**

The United Nations Development Fund for Women (UNIFEM part of UN Women) has long been a partner to women in conflict-affected areas: bringing women together across geographic or political lines to agree on common positions in peace negotiations or post-conflict elections; supporting their engagement with security and justice institutions to stop impunity for violence against women; facilitating their inclusion in post-conflict planning processes to ensure their needs are addressed; and strengthening their engagement with peacekeeping forces to encourage creative responses to the considerable security threats women face. This collection of UNIFEM papers brings together a considerable body of analytical and advocacy work undertaken over the last five years, grounded in programming that has helped advance the women, peace and security agenda in policy and practice.

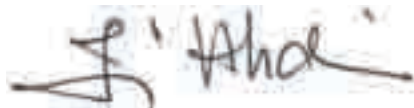
The collection includes papers on gender issues in early warning, peace processes, peacekeeping, post-conflict planning and financing, and transitional justice. Together, the papers in this collection describe a range of ongoing efforts to strengthen the UN's capacities to promote peace and prevent violence. UNIFEM's task has been to ensure that women's participation and responses to their needs are major elements of these processes. As such, UNIFEM has engaged with the Department of Political Affairs (DPA) in a joint strategy to ensure that gender issues are addressed

in peace processes and to increase numbers of women in mediation. UNIFEM is also collaborating with the UN Department of Peacekeeping Operations (DPKO) to collect good practice examples of peacekeepers' innovative tactics to protect women and girls and convert these into pre-deployment training materials.

In the midst of these efforts, UNIFEM itself has become a part of an important UN reform process: the creation by the General Assembly, on 2 July 2010, of the UN Entity for Gender Equality

and the Empowerment of Women (UN Women). UN Women will streamline UN efforts to advance gender equality by bringing together the four UN entities that have up to now been charged with that mandate: UNIFEM, the Division for the Advancement of Women, the International Research and Training Institute for the Advancement of Women, and the Office of the Special Adviser on Gender Issues and Advancement of Women. This will strengthen the capacity of the UN system to match commitments to gender equality with the leadership, resources and expertise needed to deliver changes on the ground.

Women around the world have long advocated for the creation of UN Women. It is our hope that this new body can quickly meet the high expectations of its advocates and lead the international community in a more coordinated and effective push for gender equality and women's rights. Women have demonstrated that they count for peace. It is our hope that they will be able to count on UN Women to be their firm partner in all their peace-building work.

A handwritten signature in black ink, appearing to read 'Inés Alberdi', with a stylized flourish at the end.

Inés Alberdi  
Executive Director, UNIFEM (part of UN Women)

# Introduction

**The unanimous adoption of Security Council resolution 1325 (2000) a decade ago sent a message from the international security community to conflict-affected women around the world—a message recognizing that conflict affects them differently from men and that women must be part of conflict resolution and long-term peacebuilding.**

Ten years on, some things have changed in the ways that peacemaking, peacekeeping and peacebuilding are approached: The protection of women and girls from sexual and gender-based violence is recognized to be a priority challenge for humanitarian and peacekeeping practice. Women's peace coalitions have grown in strength and are increasingly able to put women's concerns on the agenda of peace talks. Transitional justice mechanisms are increasingly responding to war crimes against women with specific arrangements to protect women witnesses. Post-conflict needs assessments, post-conflict planning processes and financing frameworks have in some cases acknowledged the need to put women's participation and concerns at the center of recovery.

Positive examples, however, do not yet add up to system change. There is still a long way to go in meeting the expectations raised by resolution 1325 (2000). Indeed, the persistence and in some cases exacerbation of phenomena that prompted the passage of the resolution in the first place—women's exclusion from peace processes and post-conflict institutions for implementing peace, organized mass sexual violence in conflict, the weakness of arrangements for women's security and survival needs in camps for refugees and internally displaced persons, the low level of domestic or international prosecution of war crimes against women, the rarity of reparations programmes responding to women's experiences of conflict and their needs, the high level of gender-based violence even after a conflict is over, the lack of provision for women's livelihood recovery needs—are reasons for alarm about the commitment to, and quality of, implementation of resolution 1325 (2000).

In recent years the Security Council has recognized the implementation deficits in several areas and has passed supportive resolutions to address them. Resolutions 1820 (2008) and 1888 (2009) acknowledge for the first time that sexual violence in conflict has become in some contexts a tactic of war designed to achieve military and political objectives. As such, sexual violence requires a tactical security response, coupled with a strategic political response. This means that the security mechanisms of the UN, including peacekeeping missions, must address sexual violence through training and operational responses by armed personnel, as well as through provision of a rapid response task team of judicial experts to support domestic transitional justice processes and to prevent impunity for these crimes. A security and political response also means that peace negotiators and mediators include sexual violence in peace talk agendas.

Resolution 1889 (2009) addresses concerns about the Council's implementation mechanisms for resolution 1325 (2000) and calls for the development of indicators to monitor implementation of the measures called for in the resolution. It requests suggestions for a Council monitoring mechanism and production of a report by the Secretary-General on women's participation in peacebuilding. All three follow-up resolutions call on the Peacebuilding Commission, a new inter-governmental institution not yet created at the time resolution 1325 (2000) was passed, to advance the women, peace and security agenda.

This collection of UNIFEM publications provides a range of material to support improved implementation of resolution 1325 (2000). The briefing notes, analytical reviews, conference reports and advocacy products included herein are topic-specific expert contributions intended for use by both newcomers to the subject and specialists and practitioners seeking briefing and training material.

This collection is produced at a critical transition moment for the women, peace and security agenda and indeed for UNIFEM. Resolution 1325 (2000) is ten years old and is facing its second decade with a more robust set of tools—in the shape of the three additional resolutions as well as the indicators on resolution 1325 (2000)—for improved implementation. The effort to advance implementation joins a series of other UN reforms and reviews, such as efforts to strengthen peacebuilding and the protection of civilians. One of these reforms is the creation by the General Assembly

of the UN Entity for Gender Equality and the Empowerment of Women (UN Women), of which UNIFEM forms a part. The creation of UN Women shows that Member States and the UN system are committed to a considerable strengthening of gender mainstreaming, with UN Women assigned the lead in ensuring coherence and coordination, as well as supporting monitoring and accountability. This is perhaps nowhere more important than in the peace and security field. The creation of the comprehensive set of indicators on women, peace and security in a consultative process this year in which UNIFEM provided the technical lead has been itself an indicator of a breakthrough in attention to these issues. It provides a concrete pragmatic foundation for efforts to accelerate implementation of the women, peace and security agenda. This collection of UNIFEM publications will likewise provide resources for practitioners and advocates alike in accelerating implementation of the women, peace and security agenda. The work of UNIFEM's Governance, Peace and Security team would not have been possible without support from the following donors, to whom we take this opportunity to express thanks: Austria, Canada, France, Germany, Ireland, Liechtenstein, Norway, South Korea, Spain, Sweden, Switzerland, the United Kingdom, and the United States of America.

Anne Marie Goetz  
Chief Advisor  
Governance Peace and Security  
UNIFEM (part of UN Women)

# Overview of Contents

## Women, peace and security

**“In addition to being useful for regions affected by armed conflict, indicators [on implementation of resolution 1325 (2000)] could also be used as a guide for all States acting together from the perspective of shared responsibility. They could also prove useful in efforts to empower women and promote gender equality, and boost the capacity of the United Nations to attain those goals.”**

Statement by the Government of Mexico to the Security Council, 27 April 2010

The collection begins with a simple poster that compares the main elements of each resolution, setting them side-by-side to show how resolutions 1820 (2000) and 1888 (2009) strengthen the protection elements of resolution 1325 (2000), and how resolution 1889 (2009) builds a powerful agenda for addressing the planning and financing of women’s needs in the post-conflict period, as well as putting women’s issues squarely in the arena of peacebuilding.

Of the implementation and accountability tools called for by resolution 1889 (2009) the most pragmatic is the comprehensive set of indicators on women, peace and security to track implementation at a results level. They are intended to enable security institutions—whether UN, regional institutions or relevant authorities within Member States—to determine whether efforts to engage women in peacebuilding and address their protection and recovery needs are producing desired results. The adoption of measurable indicators represents an important commitment by the UN and the international security system to evaluating implementation of resolution 1325

(2000) in quantitative, not just qualitative terms: they will provide the first comprehensive data set on the number of women taking part in peace talks, the gender content of peace agreements, and the extent to which post-conflict reparations, demobilization programmes and economic recovery efforts benefit women. The full list of indicators is provided in the annex to this overview document as a quick reference.

The chances that women’s needs will be assessed and provided for, whether in peace negotiations or in post-conflict planning, depend upon the strength and conviction of the domestic women’s movement. UNIFEM’s core contribution to the women, peace and security agenda around the world has been its support to national and regional women’s peace organizations and coalitions. Since the mid-1990s UNIFEM has supported women’s movements to engage in peacebuilding in Afghanistan, the Balkans, Burundi, the Southern Caucasus, Nepal, Pakistan, Somalia, Sudan, Timor-Leste and elsewhere. In Uganda, Kenya and Darfur, UNIFEM has supported me-

diation teams by providing a gender adviser. In all cases, UNIFEM supports women to formulate their goals clearly and in relation to ongoing peace and security processes. The briefing note 'Identifying women's peace and security priorities: Building voice and influence,' included in this collection, outlines a practical method for enabling women's peace groups to engage in situation analysis and formulate realistic goals no matter what the security context. The method described here was put to use as part of UNIFEM's approach to the

tenth anniversary of resolution 1325 (2000) when, in June and July 2010, UNIFEM worked with the Department of Peace Keeping Operations (DPKO), the Department of Political Affairs (DPA) and the United Nations Development Programme (UNDP) to organize 25 'Open Days on Women and Peace' in conflict-affected countries around the world. These events, which brought together women peace activists and senior UN leaders, enabled women to bring their priorities and concerns directly to UN decision makers.

## Conflict prevention

**“In a world of continuing instability and violence, the implementation of cooperative approaches to peace and security is urgently needed. The equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security.”**

Beijing Declaration and Platform for Action, Fourth World Conference on Women  
15 September 1995, A/CONF.177/20 (1995)

An essential component of the women, peace and security agenda is the prevention of conflict in the first place. Women's perspectives on tensions in social relations, their awareness of threats to personal, family and community security, their knowledge of the flow of small arms and light weapons through communities and their interpretation of extremism in local discourses all add up to a complex and important system of early warning and intelligence about impending conflict, yet are rarely understood or heeded by security advisors. The analysis offered in the 'UNIFEM Briefing Paper on Gender and Conflict Analysis' provides ideas for ways to bring gender issues into conflict early warning systems.

community to the national level—have likewise been neglected in approaches to building peace. A major concern for women around the world is to prevent violence against women, and many women-led community peacebuilding efforts focus on addressing this feature of conflict. Prevention of sexual and gender-based violence is of course also a precondition to women's effective engagement in conflict prevention and all aspects of peace processes and peacebuilding. The paper 'Women Building Peace and Preventing Sexual Violence in Conflict-Affected Contexts: A Review of Community-Based Approaches' considers examples from around the world of innovative approaches to peacebuilding that inspired UNIFEM programming on these issues in Afghanistan, Haiti, Liberia, Rwanda, Timor-Leste and Uganda.

Women's approaches to defusing conflicts, mediating disputes and building trust—from the



## Peace processes

### **“Women’s rights should not be negotiable in the peace process.”**

Women of Afghanistan at Open Day on Women, Peace and Security, 12 June 2010, Kabul, Afghanistan

Women’s striking absence has become a standard feature of peace talks. Since 1992, fewer than 10 per cent of peace negotiators have been women, and there has been little improvement in this figure since the passage of resolution 1325 (2000). This situation cries out for determined and concrete action to require mediators and members of negotiating teams to include women. If they will not, mechanisms are needed to ensure consultation between parties to peace talks and women’s peace groups and to grant observer status to representatives of women in civil society from the very start of peace processes and not, as often happens, only at the very end.

‘Women’s Participation in Peace Negotiations: Connections between Presence and Influence’ reviews the data on the number of women participating in peace talks. It provides a structured overview of the means by which women have been able to engage in these processes and the conditions under which they have been best positioned to influence the outcome. Awareness of these conditions will help inform interventions to build women’s access to and voice in UN-mediated peace processes. UNIFEM and DPA have committed to a joint gender and mediation strategy precisely in order to build on good practice examples identified here.

One consequence of women’s exclusion from peace talks is the silence of many peace deals

on issues of enormous consequence to women. These issues include women’s determination to participate in politics, in the institutions implementing the peace agreement; women’s assertion of their rights to land, property and other sources of economic security; women’s interest in shaping decisions about natural resource sharing and environmental protection; and women’s concerns about equal citizenship rights, rights of return and rights to reclaim property. One issue of direct concern to women is conflict-related sexual violence. In a sample of 45 conflict situations since 1989 reviewed by UNIFEM, only 10 had peace agreements or ceasefires mentioning sexual or gender-based violence. Failure to address sexual violence, to make provisions for survivors and to ensure priority attention in judicial responses can result in a culture of impunity for abuses of women’s rights even after the conflict has ended. This can undermine the peacebuilding effort in general by making a mockery of the rule of law, while profoundly limiting women’s mobility, economic security and political participation. UNIFEM, with partners DPA, DPKO, UNDP, the Office for the Coordination of Humanitarian Affairs (OCHA) and the Centre for Humanitarian Dialogue, assembled high-level peace mediators in June 2009 to discuss this very issue. The result is the report ‘Conflict-related Sexual Violence and Peace Negotiations: Implementing Security Council resolution 1820,’ included here.

## Peacebuilding

**“Even if the benefits of engaging women in peacebuilding are known, in practice this lags behind all over the world.”**

Karen Landgren, Representative of the Secretary-General, United Nations Mission in Nepal  
Open Day on Women, Peace and Security, Kabul, 12 June 2010

Security Council resolution 1889 (2009) called on the Secretary-General to produce a report on women’s participation in peacebuilding, in recognition of the fact that neglect of women’s concerns during peace processes can establish a pattern of marginalization that lasts into the post-conflict period. Peacebuilding has become a more structured practice in the UN, thanks to the work of the Peacebuilding Commission and its secretariat, the Peacebuilding Support Office (PBSO), which supports planning for national peacebuilding, and offers targeted support for catalytic peacebuilding investments through the UN’s Peacebuilding Fund. In 2010 the PBSO produced the report on women and peacebuilding requested by Security Council resolution 1889 (2009). The report lays out a seven-point action plan with pragmatic and specific changes in approaches to mediation, post-conflict elections, post-conflict planning, financing for recovery, deployment of civilians providing technical support, justice and security sector reform, and economic recovery. These actions are expected to have a catalytic effect in loosening some of the obstacles to women’s engagement in peacebuilding.

UNIFEM was one of many UN entities to partner with the PBSO in the production of the above report. In particular, UNIFEM contributed background material on post-conflict planning and financing frameworks, which constitute an es-

sential element of peacebuilding.

UNIFEM’s analysis of a range of planning frameworks and funding mechanisms—United Nations Development Assistance frameworks (UNDAFs), Post-Conflict Needs Assessments (PCNAs), Poverty Reduction Strategy Papers (PRSPs), and Multi-Donor Trust Funds (MDTFs) and Joint Programmes (JPs) in twelve countries—shows that there has been considerable unevenness in the analysis of and planning for women’s needs in post-conflict situations. Certain thematic areas show a striking lack of gender analysis and budget provision for women’s needs, notably in economic recovery and infrastructure, and security and rule of law.

This neglect potentially undermines the speed of recovery and the extent to which peace dividends are available to all. It has been argued that specific allocations for women and girls’ needs or empowerment are not required in these sectors as it is assumed that all investment in economic recovery and infrastructure—as well as other thematic areas such as social services, governance and rule of law—will benefit women and men equally. In practice this is not the case. Schools built without facilities designed for girls’ use (e.g., toilets, transportation arrangements) will not be attractive to girls’ parents. Roads and ports are needed for commerce, but they may not help women increase their rate of post-conflict market

engagement if they do not connect the smaller rural markets that women frequent. Employment creation programmes tend to target young men to absorb them away from conflict-related activity, but women need these jobs too to address the urgent survival crises faced, in particular, by female-headed households, whose numbers usually swell after conflict. In public administration reform, one of the most powerful post-conflict capacity-building investments would be to prioritize recruitment of women for front-line essential service delivery. Women police officers, teachers, health workers and other service providers, if present in sufficient numbers (at least 30 per cent of the service) have been shown around the world to be more responsive than male counterparts to women and girls' needs. Reaching the MDGs requires improving delivery of services to women and girls; employing women service providers is one direct way to achieve this.

To address women and girls' needs, each post-conflict sectoral investment field requires specific analysis to identify the different recovery needs of women and men, girls and boys, with interventions specifically tailored and budgeted to ensure adequate response to those needs by all relevant actors. However, UNIFEM's analysis of the budget proposals in planning and financing frameworks found particularly low gender-specific allocations. Multi-Donor Trust Funds on average allocated 5.7 per cent of budgets to spending designed specifically to benefit women.<sup>1</sup> This feature of post-conflict budgets is presaged in planning instruments that make insufficient provision for women's needs, with under three per cent of PCNA or PRSP indicative budgets dedicated to women and girls' specific needs. These findings are detailed in the paper 'Planning and Financing for Gender-Responsive Peacebuilding' included here.

## Peacekeeping

**“We know from grim experience how sexual violence in conflict wreaks devastation on individuals, families, communities and entire societies . . . Widespread and systematic sexual violence further heightens insecurity. There are consequences for recovery and reconciliation. When alleged perpetrators are not prosecuted and brought to justice, the rule of law is undermined and impunity reigns.”**

[Message from UN Secretary-General Ban Ki-Moon to the Wilton Park Conference, 27 May 2008.](#)

In paragraphs 5 and 7 of resolution 1325 (2000), UNIFEM and other UN entities are charged with supporting gender-sensitive peacekeeping through training and other means. UNIFEM has partnered with DPKO to analyze efforts by UN peacekeepers to adapt tactical responses to the serious security threats faced by women, particularly in contexts in which sexual violence has been used on a widespread and systematic scale. In 2008 UNIFEM sponsored a desk review to identify good peacekeeping practice in the protection of women from sexual violence, covering a range of international and regional security institutions. The findings were appraised and verified by Force Commanders and Security

Council Ambassadors at a conference in May 2008 at Wilton Park, Sussex, and the conference report is included in this collection. The best practices review itself has been developed into an inventory of protection and prevention mechanisms: 'Addressing Conflict-Related Sexual Violence—An Analytical Inventory of Peacekeeping Practice,' also included herein. UNIFEM and DPKO are now converting some of these cases into scenario-based pre-deployment training modules for peacekeeping troops.

This work forms part of a wider examination by the UN of the challenges to peacekeeping of broadening mandates—and expectations—on

the protection of civilians. It reveals that protection of women and girl civilians requires that conventional peacekeeping practice be modified. Patrols, for instance, need to take place in unconventional places and at unaccustomed times of day—between the village and water points, in pre-dawn hours—if they are to prevent sexual violence. Intelligence systems must likewise be modified to ensure that threats against women ci-

vilians are detected and predicted, which requires engaging women civilians more effectively in local information-generation systems for military intelligence. For such changes to be institutionalized, it will be necessary to revise concepts of operations, standard operating procedures and rules of engagement in order to build women's protection centrally into peacekeeping practice.

### **Disarmament, demobilization and reintegration, and security sector reform**

**“In order to be successful, DDR initiatives must be based on a concrete understanding of who combatants are—women, men, girls, boys. Recent analyses of DDR processes from a gender perspective have highlighted that women combatants are often invisible and their needs are overlooked.”**

*United Nations, Women, Peace and Security: Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000), 2002.*

Disarmament, demobilization and reintegration (DDR) programmes have tended to ignore the fact that there are women and girls associated with fighting forces—as combatants, as field operations supporters, or as sex slaves and forced ‘bush wives.’ These women and girls often face destitution and social stigma, and are denied the financial and training packages offered to demobilized soldiers. Failure to identify women ex-combatants who could be integrated to national armed forces also can mean a loss of a potentially powerful resource for implementing resolution 1325 (2000): women police officers and soldiers with the capacity to challenge dominant patriarchal approaches to maintaining national and community security.

UNIFEM has partnered with a number of agencies involved in inter-agency support to DDR systems to develop standard practice on engaging women and girls in DDR processes: UNIFEM's 2004 publication ‘Getting it Right, Doing

it Right’ was one of the first UN publications on this issue. Since 2004, as a core member of the Inter-Agency Working Group (IAWG) and the sub-working group on DDR, gender and HIV, UNIFEM has also supported the development of the UN Integrated DDR Standards (IDDRS)<sup>2</sup> and spearheaded an IDDRS module on women and gender. Five years after the first edition of the IDDRS was launched, a documentary video on gender and DDR, included in this collection (‘When peace arrives: a gender perspective on DDR and post-conflict recovery’), helps to illustrate what this work has meant on the ground.<sup>3</sup>

Post-conflict security sector reform (SSR) that addresses the security threats women face requires substantial investment to change administrative systems, personnel management, infrastructure development, training and community relations. The briefing paper UNIFEM co-produced with UNDP, ‘Gender-Sensitive Police Reform in Post-Conflict Societies,’ explains how to approach the

recruitment of women to the police and investment in retaining them; training police in protection of women; investment in facilities for women to report crimes and obtain medical examinations in confidence; and community outreach to build women's trust in the police and encourage higher levels of reporting gender-based crimes. Oversight systems also need to include women, from parliamentary defense committees to community audits of police practice. The analytical paper, 'Case Studies of Gender-Sensitive Police Re-

form in Rwanda and Timor-Leste,' explains how this theory of reform has been put into practice in UNIFEM's programming. "Positions of power: Women and Security in post-conflict Liberia", a video documentary of Liberia's approach to security sector reform shows how important the recruitment of women to the police has been to building the institution's gender-responsiveness in a context where sexual violence is the top-reported crime.<sup>4</sup>

## Justice and human rights

**"From DRC to Haiti, from Bosnia to Liberia, rape has been slowest to register on the security radar, and lowest on the hierarchy of war-time horrors. It has been called 'history's greatest silence' and the 'world's least condemned war crime.'"**

Margot Wallström, Special Representative of the Secretary-General on Sexual Violence in Conflict  
Commission on the Status of Women, March 2010

In times of war and societal breakdown, crimes against women reach new levels of brutality and frequency. Ensuring gender justice is an essential element of sustainable peacebuilding. Transitions to peace provide an opportunity to put in place a gender-responsive framework for a country's reconstruction. Non-judicial methods, such as truth and reconciliation commissions and traditional mechanisms, can play an important role in establishing the historical record and increasing accountability for crimes against women during war, without which it is extremely difficult to overcome the destabilizing cycles of violence and retribution.

The documents in this section of the collection focus on ways to bring gender-responsiveness into transitional justice mechanisms. The briefing paper, 'A Window of Opportunity? Making Transitional Justice Work for Women,' outlines general principles for ensuring that such mechanisms further the justice needs of women, including their rights to truth, prosecutorial justice and comprehensive reparations, while protecting their dignity and safety. The briefing paper is complemented by country case studies that analyze women's engagement with transitional justice mechanisms: 'Gender and Transitional Justice Programming: A Review of Experiences from Peru, Sierra Leone and Rwanda.'

## Conclusion: Standard operating procedures and accountability for resolution 1325 (2000)

**“It is time for us all to count the numbers of women at the peace table, the numbers of women raped in war, the numbers of internally displaced women who never recover their property, the numbers of women human rights defenders killed for speaking out. All of this counts, and we are counting.”**

Inés Alberdi, Executive Director UNIFEM, Statement to the Security Council, October 2009

UNIFEM hopes that the material in this collection will support efforts everywhere to advance all aspects of the women, peace and security agenda. Peacebuilding today should set in place institutions for inclusive public decision-making, human well-being, human security, justice and economic growth. The failure to engage women in these processes can undermine prospects of an enduring peace; it certainly undermines women’s ability to recover from conflict and rebuild their communities. Over the last decade, women have insisted with growing conviction that they have much to offer, and much to gain, from engaging in conflict prevention and peacebuilding. But women’s persistent marginalization from these processes shows that more is needed to implement the women, peace and security resolutions than expressions of intent.

What is needed is convinced leadership and, at the level of policy implementation, consistent application of non-negotiable principles and procedures on women’s participation and on the prevention of violence against them. In other words, standard operating procedures are required to overcome the continued resistance of mediators and negotiators to include women in peace talks, the resistance of post-conflict planners to analyze women’s needs and allocate sufficient resources

to address them, the resistance of political parties to front women candidates, the resistance of security services to prevent violence against women, and the resistance of rule of law actors to apply agreed international law to the investigation and prosecution of crimes against women. Addressing women’s needs and engaging women in decision-making has to be mandatory. The materials in this collection indicate some of the basic steps that could become standard practice across the fields of conflict prevention, peace negotiations, post-conflict needs assessments, elections, SSR and DDR, and justice.

No women, peace and security programme can work without a monitoring and accountability system. In this regard, the tenth anniversary of resolution 1325 (2000) is an opportunity for the international system to demonstrate commitment to changed practice. The Security Council requested, in resolution 1889 (2009), a review of how it monitors performance on women, peace and security and how it takes action when failings are reported, with a view to building its own accountability. The women of the world are counting on the Council and will continue, through their peace activism everywhere in the world, to demonstrate that women count for peace.

# Comprehensive set of indicators to track implementation of Security Council resolution 1325 (2000) on women, peace and security

## PILLAR 1. PREVENTION

### Prevention of all forms of violence against women, particularly sexual and gender-based violence

Impact Indicators:

- [1a] Prevalence of sexual violence [QN/s]
- [1b] Patterns of sexual violence in conflict and post-conflict situations [QL/r]

#### Outcome 1.1.

#### Operational gender-responsive systems in place to monitor, report and respond on violations of women's and girls' rights during conflict, ceasefires, peace negotiations and after conflict

Outcome Indicators:

- [2] Extent to which UN Peacekeeping and Special Political Missions include information on violations of women and girls' human rights in their periodic reporting to the Security Council [QL/c]
- [3a] Extent to which violations of women's and girls' human rights are reported, referred and investigated by human rights bodies [QL/r]
- [3b] Number and percentage share of women in governance bodies of National Human Right Bodies (NHRB) [QN/r]

#### Outcome 1.2.

#### International, national and non-State security actors are responsive to and held to account for any violations of the rights of women and girls, in line with international standards

- [4] Percentage of reported cases of sexual exploitation and abuse allegedly perpetrated by uniformed, civilian peacekeepers and/or humanitarian workers that are acted upon out of the total number of referred cases [QN/r]
- [5a] Extent to which measures to protect women's and girls' human rights are included in Peacekeeper Heads of Military Components and Heads of Police Components Directives [QL/c]
- [5b] Extent to which measures to protect women's and girls' human rights are included in national security policy frameworks [QL/c]

#### Outcome 1.3.

#### Provisions addressing the specific needs and issues of women and girls are included in early warning systems and conflict prevention mechanisms and their implementation is monitored

Outcome Indicators:

- [6] Number and type of actions taken by the Security Council related to Security Council resolution 1325(2000) [QL/c]
- [7] Number and percentage share of women in Executive positions of relevant regional and sub-regional organizations involved in preventing conflict [QN/r]

Note:

The type of data collection method is identified by the letters following the "QN" (quantitative) or "QL" (qualitative) denotation:

- "/c" refers to content analysis methods that will require systematic analysis of extracted language,
- "/r" refers to reports to be assembled that will require a standard agreed format,
- "/i" refers to information systems that need to be in place for reporting (i.e., financial tracking, human resources, police information systems), and
- "/s" refers to surveys that will require methodological development and planning.

## **PILLAR 2. PARTICIPATION**

### **Inclusion of women and women's interests in decision-making processes related to the prevention, management and resolution of conflicts**

Impact Indicator:

- [8] Percentage of peace agreements with specific provisions to improve the security and status of women and girls [QL/c]

#### **Outcome 2.1.**

##### **Increased representation and meaningful participation of women in UN and other international missions related to peace and security**

Outcome Indicators:

- [9] Women's share of senior UN positions in field missions [QN/r]
- [10] Percentage of field missions with senior gender experts [QN/r]

#### **Outcome 2.2.**

##### **Increased representation and meaningful participation of women in formal and informal peace negotiations and peacebuilding processes**

Outcome Indicators:

- [11a] Representation of women among mediators, negotiators and technical experts in formal peace negotiations [QN/r]
- [11b] Women's participation in official observer status, at the beginning and the end of formal peace negotiations [QL/r]

#### **Outcome 2.3.**

##### **Increased representation and meaningful participation of women in national and local governance, as citizens, elected officials and decision makers**

Outcome Indicators:

- [12a] Women's political participation in parliaments and ministerial positions [QN/r]
- [12b] Women's political participation as voters and candidates [QN/r]

#### **Outcome 2.4.**

##### **Increased participation of women and women's organizations in activities to prevent, manage, resolve and respond to conflict and violations of women's and girls' human rights**

Outcome Indicator:

- [13] Extent to which Security Council missions address specific issues affecting women and girls in the Terms of Reference and Mission Reports [QL/c]



## **PILLAR 3. PROTECTION**

### **Safety, physical and mental health of women and girls and their economic security are assured and their human rights respected**

Impact Indicator:

[14] Index of women's and girls' physical security [QN/s]

#### **Outcome 3.1.**

##### **Political, economic, social and cultural rights of women and girls are protected and enforced by national laws in line with international standards**

Outcome Indicator:

[15] Extent to which national laws to protect women's and girls' human rights are in line with international standards [QL/c]

#### **Outcome 3.2.**

##### **Operational mechanisms and structures in place for strengthening physical security and safety for women and girls**

Outcome Indicators:

[16] Level of women's participation in the justice, security and foreign service sectors [QN/r]

[17] Existence of national mechanisms for control of illicit Small Arms and Light Weapons [QL/r]

#### **Outcome 3.3.**

##### **Women and girls at risk have access to livelihood support services**

Outcome Indicator:

[18] Percentage of (monetary equivalent, estimate) benefits from temporary employment in the context of early economic recovery programmes received by women and girls [QN/r]

#### **Outcome 3.4.**

##### **Increased access to justice for women whose rights are violated**

Outcome Indicators:

[19] Percentage of referred cases of sexual and gender-based violence against women and girls that are reported, investigated and sentenced [QN/r]

[20] Hours of training per capita of decision-making personnel in security and justice sector institutions to address SGBV cases [QN/r]

## PILLAR 4. RELIEF AND RECOVERY

### Women's and girls' specific needs are met in conflict and post-conflict situations

Impact Indicators:

[21a] Maternal mortality rate [QN/i]

[21b] Net Primary and secondary education enrolment rates, by sex [QN/i]

#### Outcome 4.1.

**The needs of women and girls, especially vulnerable groups (internally displaced persons, victims of sexual and gender-based violence, ex-combatants, refugees, returnees) are addressed in relief, early recovery and economic recovery programmes**

Outcome Indicators:

[22a] Proportion of budget related to indicators that address gender equality issues in strategic planning frameworks [QN/c]

[22b] Proportion of budget related to targets that address gender equality issues in strategic planning framework [QN/c]

[23a] Proportion of total disbursed funding to Civil Society organizations that is allocated to address gender equality issues [QN/i]

[23b] Proportion of total disbursed funding to support gender equality issues that is allocated to Civil Society organizations [QN/i]

[24a] Proportion of disbursed Multi Donor Trust Funds (MDTFs) used to address gender equality issues [QN/i]

[24b] Proportion of total spending of UN system used to support gender equality issues [QN/i]

#### Outcome 4.2.

**Post-conflict institutions and processes of transitional justice, reconciliation and reconstruction are gender-responsive**

Outcome Indicator:

[25] Extent to which Truth and Reconciliation Commissions include provisions to address the rights and participation of women and girls [QL/c]

#### Outcome 4.3.

**Disarmament, demobilization and reintegration and security sector reform programmes address the specific security and other needs of female security actors, ex-combatants, and women and girls associated with armed groups**

Outcome Indicators:

[26a] Percentage of benefits (monetary equivalent, estimate) from reparation programmes received by women and girls [QN/r]

[26b] Percentage of benefits (monetary equivalent, estimate) from DDR programmes received by women and girls [QN/r]

Endnotes:

- 1 Finnoff, Kade and Bhargavi Ramamurthy, "Financing for Gender Equality: Review of UN Modalities for Post Conflict Financing," Background paper commissioned by UNIFEM, 2010, mimeo.
- 2 The Integrated DDR Standards are available online: <http://www.unddr.org/iddrs/>
- 3 The video is available online at: [http://www.unifem.org/campaigns/1325plus10/videos\\_photos/](http://www.unifem.org/campaigns/1325plus10/videos_photos/)
- 4 see: [http://www.unifem.org/campaigns/1325plus10/videos\\_photos/](http://www.unifem.org/campaigns/1325plus10/videos_photos/)

RIGHT: Hawa Mamoh, a Sierra Leonean officer with the African Union-United Nations Hybrid Operation in Darfur (UNAMID), poses with a woman at Zam Zam Internally Displaced Persons (IDP) Camp near El Fasher, Sudan. 10 February 2010, Zam Zam, Sudan UN Photo/Albert Gonzalez Farran.





# Identifying Women's Peace and Security Priorities

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# Guidance Note: Identifying Women's Peace and Security Priorities: Building Voice and Influence

On the cover: A wide view of the Security Council during its meeting on post-conflict peacebuilding and the Peacebuilding Commission's annual report. 25 November 2009, United Nations, New York.

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# Background

**Women’s participation in peace processes remains one of the least well-implemented elements of the women, peace and security agenda outlined in United Nations Security Council resolution 1325 (2000) and related resolutions 1820 (2008), 1888 (2009), and 1889 (2009).** Although no consistent information is maintained on numbers of women on delegations to peace talks, a review by the United Nations Development Fund for Women (UNIFEM) of 24 major peace processes conducted since 1992 found on average that women made up less than 8 per cent of negotiating parties, in cases where information was available.<sup>1</sup> Women’s absence from these critical decision-making forums, which determine power and wealth-sharing patterns, social development priorities and approaches to reparations and justice for atrocities, can have devastating consequences for women’s efforts to participate in peacebuilding. Women’s interest in participating in public decision-making may be ignored, along with essential affirmative action measures needed to overcome discrimination in the public sphere. Women’s urgent recovery needs may be disregarded by needs assessments and left out of budgets in priority public expenditure allocation processes. Displaced women may not be able to recover property because of a failure to anticipate the need for legal reform recognizing their rights to land. War crimes against women may go unpunished, encouraging a climate of impunity for all forms of gender-based violence. Beyond peace talks, there is a wide range of public decision-making processes involved in peacebuilding from which women are often likewise excluded: constitutional reform processes, elections planning, post-conflict needs assessments and priority-setting, donor conferences and many more.

The first paragraph of resolution 1325 (2000) “urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict.”<sup>2</sup> This Guidance Note is intended to facilitate efforts by UN staff, women’s organizations, human rights groups and peace activists to support women’s efforts to develop a context-specific agenda for gender-equal peace, security and recovery.<sup>3</sup> Based on successful cases where women effectively opened the doors and managed to voice their concerns in peace negotiations and donor conferences, it addresses

the challenge of enabling women to communicate effectively with decision-makers on peace and security: national leaders, national or international mediators in peace negotiations, participants on peace negotiation delegations, leaders of peacekeeping missions, post-conflict planners, public expenditure managers, organizers of donor conferences, international and national implementers of post-conflict recovery processes and the like. It is intended as a means of promoting implementation of resolution 1325 (2000) and related resolutions in every peace, security and recovery process. It is also relevant to the implementation of related resolutions on the protection of civilians.

Women are often most effective in seeking to have their views heard and needs addressed when they can impress upon decision-makers that they are not representing a narrow point of view, but rather are bringing to the table the concerns of a very significant portion of the population. For this to be credible, women in many conflict contexts have sought to debate and identify shared concerns across a wide range of social categories—class, ethnicity, race or region. UNIFEM and other organizations have often sought to constitute national or regional conventions of women in conflict-affected countries in order to support their collective voice and, in so doing, build the legitimacy and representativeness of the interests they express and the issues they raise. **This guidance note is intended for use in these collective reflections**, whether organized for the sake of influencing peace negotiations or providing input to a donor conference, a national constitutional reform process, a national post-conflict planning exercise or other major efforts to resolve conflict and set recovery priorities. The focus on supporting women to find a collective voice and build a shared agenda stems from the practical reality of women's exclusion or very limited participation in critical conflict resolution and recovery processes. The guidance note is intended to amplify the effectiveness of women's collective voice when they seek engagement in these processes as a group.

This guidance note is not prescriptive. It is simply a review of the types of issues that may be relevant. It contains suggestions for ways to develop or consolidate a women's agenda on peace and security issues, as well as ways to ensure that the gender-specific aspects of peace and security questions are covered fully. It suggests means of structuring discussions to cover both procedural and substantive matters linked to women's participation in peace and security processes. It encourages a constructive approach to opportunities for women to engage in peace talks, donor conferences and consultations with peace and security leaders, and suggests ways women can

formulate concrete suggestions for consideration by leaders.

The questions and reflections recommended in this guidance note are intended to support women's peace groups to identify **priority issues on women, peace and security** to discuss with peace, security and recovery leaders at national and international levels. It will enable the facilitation of encounters between women in conflict-affected countries so they can identify shared concerns in relation to national, regional and international peace and security processes, articulate and refine key messages and proposals to put to decision-makers, and identify means of representing views as a group through the selection and coaching of spokespersons.

### Setting ground rules

In efforts to forge a collective perspective on gender issues and women's priorities in conflict contexts, opinions will most likely be divided on what women see as peace and security priorities. Ground rules should thus be set in collective discussions to ensure that disagreements do not produce outright conflict and are handled sensitively. The group should be asked to make its own ground rules, which might include respectful listening; 'parking' irresolvable issues to be discussed in other venues or at another time; taking turns to present perspectives; and so on. In addition, the group should follow standard practice and identify chair(s), note-takers and individuals responsible for preparing a cleaned-up, consolidated set of messages for presentation and communication to the decision-makers with whom the group seeks to engage, the media and other relevant actors.

Evidence suggests that the more inclusive a women's movement is, the wider its outreach to excluded social groups and geographic areas, and the more credible and legitimate are its efforts to gain representation for women's groups in peace and security decision-making. In settings



where a vibrant civil society operates, several simultaneous initiatives to advance a common women's agenda can be carried out in parallel by different organizations or women's networks. Reaching agreement on a common document and/or strategy may then require a preparatory phase wherein these initiatives, the relevant actors and their individual roles are identified. The purpose of such a preparatory phase would be to ensure that every woman involved agrees on the need to concentrate efforts to develop and elaborate one common strategy through a collaborative and inclusive process.

## Building the Messages

### 1. Identify important peace and security entry points.

It is important for women to agree on the specific upcoming events or processes in which they wish to be involved. The following are typical peace and security processes that often lack adequate opportunities for women's engagement—and as a result, often fail adequately to reflect women's concerns:

- » Humanitarian interventions, which include delivery of urgently needed relief and are often supported by significant fund-raising drives to generate resources to address urgent recovery needs;
- » Ceasefires or pre-ceasefires, including confidence-building measures and humanitarian access agreements;
- » Peace negotiations, whether they are about to start or ongoing;
- » A post-conflict needs assessment or other planning process, which identifies priorities for public investment and focuses on a wide range of issues, such as infrastructure recovery, creation of economic opportunities, health and education rehabilitation, justice and security sector reform, and basic rehabilitation of governance infrastructure and processes;

- » Donor conferences, in which the plans identified through needs-assessment processes are financed;
- » Production of an Integrated Strategic Framework for ensuring coherence between national priorities and international support, including grounding international peacekeeping missions in the national context. These can be supported by the UN's Integrated Mission Planning and by the Peacebuilding Commission.<sup>4</sup> These frameworks will be supported by multi-donor trust funds or by the Peacebuilding Fund.<sup>5</sup>
- » Establishment or draw-down of an international peacekeeping or political mission;
- » Production of a Poverty Reduction Strategy; and
- » Production of a National Action Plan on 1325 to bring issues of women, peace and security into national defence, justice, interior and gender planning.

Any of these events or processes offers women a useful entry point for engaging as a collectivity. Women can request inclusion, consultation and/or representation. They can make substantive suggestions about issues they want to see on the agenda, or they can make concrete proposals for monitoring these processes.

### 2. Focus on peace and security.

**Be specific with regard to the country's peace and security phase of, and identify issues of concern to women accordingly.**

In other words, is the country showing **early signs of conflict**? Is it experiencing a **humanitarian crisis**? Is it in some stage of **conflict resolution**, such as **peace talks** or **peacekeeping** to stabilize the country and implement a **ceasefire** or **peace agreement**? Are **longer-term peacebuilding** efforts underway?

These different peace and security phases are not always linear: they can be happening simultaneously, for instance in different parts of the country, or if there is a peace process but conflict is nonetheless ongoing. In each phase, there are different questions to consider in order to ensure that women's needs and concerns are met.

- a. **Humanitarian crisis caused by conflict:**  
Are there large numbers of displaced people and extremely urgent needs for food, water and shelter? Are women's and girls' urgent immediate needs adequately addressed? Are mechanisms in place to ensure access by women and girls to distribution of resources and registration for relief aid? Is there safe passage for humanitarian actors seeking to provide assistance to families and communities? Are protection issues being addressed, including the prevention of sexual and gender-based violence (SGBV) in camp management? Have the gender guidelines of the Inter-Agency Standing Committee been implemented by each cluster?<sup>6</sup> Is the Consolidated Appeal Process (or any other process being used in its place) ensuring that gender is a criterion for the projects to be included? Is there an operational gender task force or sub-cluster with a review role?
- b. **Conflict resolution:** Is the country experiencing **ongoing or unresolved conflict**? Are women adequately involved in confidence-building and conflict-resolution processes and mechanisms? Do women face a serious and present threat to their physical security? What form does that threat take, and are adequate efforts being made to address it? Are women being consulted in terms of identifying the drivers of the conflict and how these might be addressed? Have women been consulted to suggest ways to address the causes of conflict?
- c. **Ceasefire:** Is a ceasefire in force? Does the ceasefire-monitoring commission ensure women's safety and security, or are violations still occurring?
- d. **Peace talks:** Are peace negotiations underway at the moment? Do women feel they are sufficiently consulted and involved? Do official negotiating delegations include women? Are there ways for women in civil society to communicate with delegations? Do delegations have access to adequate gender expertise? Are there observer seats for civil society women? Does the agenda of the talks include gender analysis and focus on addressing women's and girls' issues?
- e. **Implementing the peace agreement:** What institutions have been set up to implement the peace accord, and are women adequately participating? Do the mandates of these institutions (e.g., human rights commissions; land commissions; disarmament, demobilization and reintegration [DDR] commissions; truth and reconciliation commissions; reparations commissions; constitutional reform commissions) adequately address gender issues? Are these institutions effectively addressing gender issues in practice?
- f. **Peacekeeping:** Are UN or other forces involved in peacekeeping in the conflict-affected area? Are there suggestions and mechanisms to identify how these forces can better protect women civilians? Are there suggestions for improving communication and dialogue with peacekeepers to enhance their intelligence sources, as well as their capacity to respond to local needs? Is your country contributing with peacekeeping forces? Are they adequately trained to ensure their capacity to understand and respond to SGBV and other gender-related issues?
- g. **Peacebuilding:** Are women participating in post-conflict decision-making at all levels? Can women assess the amount of funding that is reaching the conflict-affected area and earmarked to address women's recovery needs? Are women satisfied with post-conflict peacebuilding frameworks? Are external actors, including but not limited to

donors, supporting investment in the activities and areas that most benefit women (e.g., market infrastructure, rural roads, domestic water supply, informal sector livelihoods, employment on public works programmes, accessible schools, health clinics, courts, socially-responsive policing, vulnerable persons units within police stations)?

### 3. Take a constructive approach.

Comments and suggestions should be phrased in a constructive and positive manner. Peace and security and recovery leaders—whether from the UN, the World Bank, regional banks, regional security institutions (such as the African Union or the Economic Community of West African States), or governments—can be reminded of commitments on women’s participation and women’s rights, and constructive suggestions can be made to ensure that women’s concerns are addressed.

To give an example for just one context, instead of saying broadly that ‘women’s views should not be ignored in preparations for a donor conference,’ women could suggest:

- a. Official representation at the donor conference should include women.
- b. There should be representation and a speaking slot for women from civil society at the conference.
- c. A consultative forum should be established with women’s civil society groups prior to the donor conference to review the agenda and funding proposals in order to elicit women’s perspectives and ensure they are shared with national decision-makers and donors.

Similarly practical suggestions can be made for increasing women’s involvement and input at every stage of the peace process.

### 4. Use a full spectrum approach.

It is important to remember that women have

many different perspectives and interests and may not agree. In particular, it must be remembered that women may also have been involved in the conflict on different sides and are sometimes the proud mothers, spouses and daughters of men involved in conflict. They may themselves have been directly engaged as combatants or associated with fighting forces. Displaced women face particularly acute problems in rebuilding their lives, as do women who have been associated with fighting forces. Their views cannot be ignored. Means for divergent views to be expressed, heard and incorporated in a common agenda must therefore be agreed upon. This can be done during a preparatory phase or when setting the ground rules. Because of divergences of views, often it is easiest to agree on procedural rather than substantive issues.

### 5. Distinguish between procedural and substantive issues.

For each of the above areas, procedural and substantive gender-specific issues can be identified:

**Procedural issues** have to do with the **structure and conduct of arrangements** to address any of the issue areas outlined above. For instance, the proposal that a minimum proportion of peace negotiators should be women is a basic procedural principal. It is a matter of *process* and *procedure* because it will not necessarily affect *substance*: more women negotiators would not necessarily result in more gender-sensitive peace accords. Other matters of procedure can relate to the design of the peace table. Procedural suggestions might be to ensure that women’s civil society groups have permanent observer status, or that half of all commissioners in institutions established to implement peace deals (such as truth and reconciliation commissions; other examples are listed above) are women. Another procedural issue could be to include provisions to earmark a basic minimum portion of post-conflict financing for addressing women’s needs. Related to this are provisions to enable women

to review and assess gendered patterns in post-conflict financing.

Procedural issues are about the **how** of doing things; substantive issues relate to decisions over the **what**, i.e., substantive matters regarding priorities in conflict resolution and peacebuilding. Often it is easier to agree to procedural principles than substantive ones. Procedural issues can even include very simple suggestions to support capacity-building of women's peace groups, for instance by providing transportation so that women can attend meetings, sharing more information on the peace and security issues affecting the country, or making funding available for organizational strengthening.

**Substantive issues** have to do with the detail of the many aspects of conflict resolution, peace talks, peacekeeping, and peacebuilding identified above. A substantive principle in relation to ceasefires, for instance, is that sexual violence should be treated as a prohibited act and that ceasefire-monitoring teams must be equipped to monitor sexual violence. A substantive principle in relation to justice issues could relate to proposing gender-sensitive changes to legal frameworks, or fast-tracking the prosecution of war crimes against women.

This distinction between procedural and substantive issues is used by the Afghan Women's Network in the document annexed here, which was developed in advance of the 28 May 2010 Peace Jirga for Afghanistan (see Annex 1). Women's statements from the Darfur (Annex 2) and Uganda (Annex 3) peace talks are similarly annexed here.

The following sections outline specific procedural and substantive issues that a common women's agenda can raise.

## 6. General procedural issues relating to women, peace and security.

Procedural issues have to do with the terms of participation in and consultation about peace and security processes, the types of mechanisms that are set up for monitoring both the peace process and its implementation, and the resources and expertise available for the process. Examples of basic procedural points frequently raised by women—and phrased in active/positive terms include:

- a. Mandate women's participation:
  - » Women should comprise a minimum proportion of participants in all peace-making forums, whether consultative or formal negotiations.
    - › The suggested proportion often ranges from 25 to 30 per cent.
    - › This could also apply to institutions for implementing the peace deal, such as human rights commissions or transitional justice institutions, and to institutions set up to implement and monitor a peacebuilding or recovery plan.
  - » The structure of the peace table should provide a space for women from civil society to participate officially, for instance, by:
    - › Including a representative of a civil society collective, in which women's groups are represented (as in Guatemala, where Msgr. Rodolfo Quezada Toruño took part in the peace talks as the representative of the Assembly of Civil Society, which included women's groups as one of 14 'sectors');
    - › Allowing structured input from expert teams that channel specific concerns to negotiators (as in Sri Lanka, where an all-female Sub-Committee on Gender Issues was one of four expert groups contributing to the peace process).

- b. Devise **mechanisms** to ensure that the needs and views of women are channeled to decision-makers:
  - » Establish regular consultations with civil society forums that address women's issues in order to channel women's views to decision-makers.
- c. Ensure that decision-makers have access to and integrate **technical guidance on gender** issues:
  - » Require each committee/implementation body for the peace accord or the Poverty Reduction Strategy Paper (PRSP) to retain national expertise on gender equality and women's rights.
  - » Institute a review of peace-process initiatives for due respect for or potential violation of women's rights.

Implement the recently agreed UN guidelines on a gender marker for donor funds.

## 7. Substantive, country-specific women, peace and security issues.

Whatever peace and security phase is in effect, there will be substantive issues to consider from a gender perspective. Below are just some of the substantive gender issues that might arise depending on the peace and security phase, the type of conflict and the extent of engagement by the international community:

- a. **Early Warning:** Are there early signs of impending conflict of which women are aware but that may not be visible to others? For instance, in the Solomon Islands, women became aware of the threat of impending conflict when prisoners were released and it became more dangerous to gather forest products because of the risk of attack. In other contexts, women have decreased rates of market engagement when social tensions have risen in advance of conflict. Women everywhere are also often aware of increased circulation and accumulation

of small arms in homes or communities. In some cases, elevated levels of domestic violence are associated with impending conflict. What would women propose that decision-makers do to engage women in early warning processes?

- b. **Conflict resolution:** There are formal and informal ways of resolving conflict. Do women have ideas and proposals about conflict resolution in their country? These can range from long-term efforts to build cultures of peace and non-violent resolution of conflict, to very specific proposals around the conduct, participants and structure of peace negotiations.
- c. **Peacekeeping:** Are international peacekeeping forces helping to stabilize the country in ways that address the security threats to women? For example, if there is a reported drop in violence, does this correspond with a drop in violence against women? Does the mission need a mandate that covers protection of civilians and specifically mentions sexual gender-based violence? If it already has this mandate, is it receiving adequate priority from the leadership of the mission? Are peacekeepers willing and able to patrol and operate in unconventional space—in proximity to villages, compounds, camps, forests and fields—to respond to threats against women? Do peacekeepers engage women in the community for intelligence-gathering and/or confidence-building purposes and to inform activities? Are peacekeepers trained on how to prevent or respond to violence against women? Is the mission (military and police) striving to recruit more women?
- d. **Peacebuilding:** Are women able to contribute fully to long-term peacebuilding? Have women been included in the committees designing peacebuilding frameworks or strategic frameworks that identify long-term peacebuilding threats and design respons-

es to these? Have post-conflict needs assessments included an analysis of women's needs and identified resources for these? Have donor conferences included women from civil society, and have funding proposals for recovery and peacebuilding fully addressed women's needs? What conditions are needed for women to participate fully? Are women able to access information on peacebuilding plans, funding allocations, actual spending, and the impact of this spending? If not, what do women propose as means to improve their engagement in peacebuilding processes? What are the neglected areas: Economic recovery? Land rights? Support for women's enterprises? Basic social services? Justice?

e. **DDR**

- » **Cantonment:** Are cantonment sites appropriately structured so that women and girls are given the option of being separated from men and boys?
- » **Disarmament:** Are women's groups involved in monitoring weapons collection and destruction and/or as participants in destruction ceremonies?
- » **Resettlement:** After demobilization, are specific mechanisms put in place to allow female ex-combatants and supporters to return to their destination of choice using a safe means of transport? Do the DDR programmes ensure that female ex-combatants and supporters are free to choose where they will live? Are specific measures put in place to help reunify mothers and children? Are female ex-combatants and supporters fully informed about reintegration support services?
- » **Social reintegration:** Are women associated with fighting forces who return to communities receiving the psychosocial support they need to cope with problems of stigma? Are women's organizations supported and

trained to participate and assist in the reconciliation and reintegration of ex-combatants? Is the establishment of formal or informal network groups among female ex-combatants and supporters encouraged? Is there monitoring of the impact on communities of reintegrating ex-combatants?

- » **Economic reintegration:** Do female and male participants in DDR processes have equal training and employment opportunities after leaving the cantonment site? Are widows, widowers and dependants of ex-combatants killed in action provided with financial and material assistance? Do women have equal access to vocational trainings and economic opportunities, such as the support to farm cash crops, own and use livestock and land ownership?

8. Ensure that sexual violence is addressed

Conflict-related sexual violence can constitute a war crime or a crime against humanity and is sometimes associated with genocide. It includes any kind of sexual violence that is linked directly or indirectly to a past or ongoing conflict, *inter alia* rape, forced prostitution, sexual slavery, forced impregnation, forced maternity, forced termination of pregnancy, enforced sterilization, indecent assault, trafficking, inappropriate medical examinations and strip searches. It may not have been a major feature of the conflict in question, and it may not necessarily be a matter that comes up during the process in question.

Where sexual violence was a major feature of conflict or has escalated since in the aftermath of conflict, it poses a special category of challenge to peacebuilding efforts because it has not adequately been recognized by national governments nor the international community, yet it constitutes a serious obstacle to women's capacity to engage in peacebuilding. This has been recognized by Security Council resolutions 1820

(2008) and 1888 (2009). The website for UN Action against Sexual Violence in Conflict provides useful resources on this issue.<sup>7</sup> Conflict-related sexual violence requires specific attention where it is a widespread problem, because it impacts on governance and peacebuilding in the following ways:

- » Impunity for sexual violence weakens the rule of law and undermines trust in governance institutions.
- » Sexual violence uproots and fractures families and dissolves community bonds, making it harder for reconciliation and easier for relapse into conflict.
- » Ongoing sexual violence creates and perpetuates an atmosphere of insecurity that makes it harder for girls to safely attend school or for women to access water points, marketplaces and polling booths, thereby negatively affecting economic recovery and a return to normality.

The preparatory phase should, in contexts with high levels of sexual violence, offer suggestions for how to prioritize prevention and protection measures in security sector reform, social programmes and economic recovery efforts. For instance, security sector reform efforts to address this issue can include training police and military in recognition of patterns of systematic sexual violence and prevention measures (such as setting up protective perimeters and patrolling in evenings and early mornings near villages).<sup>8</sup> Recruiting and fast-tracking female security personnel, setting up vulnerable persons units to make reporting of these crimes easier and improving referral systems are all useful measures. Judicial measures have been described above. Economic measures include vocational training for survivors of sexual violence, use of temporary employment schemes (e.g., post-conflict food-for-work or cash-for-work schemes) to build safe houses for women or special vulnerable persons units for police stations, and reparations programmes to pro-

vide monetary or in-kind redress for survivors. Social measures include engaging traditional leaders to combat stigmatization of survivors and to condemn and control violent expressions of masculinity; education programmes to combat stigmatization; and national recognition and support for victims, expressed for instance in the recent apology by the President of Sierra Leone to survivors of sexual violence.

#### 9. Package the messages.

Once women have determined the key points they wish to communicate, they should consider **putting them in writing** for pre-transmission and for use with media. Prioritization and focus are key. The points should be communicated as actionable items. Identify a few main issues and the specific action that is required to address each of these. Examples of follow-up actions for leaders include:

- » Keep women informed about peace and security processes.
- » Support efforts to ensure that women's organizations are included, consulted or represented as observers in peace and security processes.
- » Ensure gender expertise at the peace table.
- » Support advocacy for the appointment of x per cent of women to a specific process or institution.

In terms of solutions and or mechanisms to address the issue in question, make sure the role of all principal actors—e.g., the Government, the international community and civil society—is defined. Women can decide who among them will communicate the messages to leadership and plan an agenda for their encounters and consultations with leaders. They should also provide adequate **space for constructive dialogue** and engagement: it may not be a positive experience for either side if it consists of a presentation of demands without the give and take of a dialogue, in which women's interlocutors can also

present their analysis of the situation and reactions to women's suggestions.

#### 10. Disseminate the messages.

Participants should also consider how they would like to share their views with the public. The media locally and internationally can serve as important allies in efforts to impress upon decision-makers the substance of women's concerns, as well as the relative size of the constituency they represent.

Not all peace and security processes are amenable to good media coverage. To make the best use of media in the domestic and international markets:

- » The most useful approach is to identify three to four key messages that need to be highlighted to the media, and which in turn will get transmitted to larger audiences.
- » It is important to remember that not everyone (including media) is familiar with the intricacies of the topic. It may therefore be necessary to deconstruct the messages and educate the media, as well as new audiences.
- » A strong press release with good quotes from activists and press conferences are good ideas—if there are strong, key recommendations to be made that require follow-up by officials and authorities.
- » It is strategically important that the leading news wires and larger publications, like daily news media outlets (print, television, radio and online) be invited to the press conference, in order to have the widest impact.
- » One-on-one interviews with local and international media should also be solicited for longer, in-depth discussion of the issue.
- » It is important to note that in interviews, and indeed press releases, only the top, main messages should be highlighted. Otherwise

there is a risk that the main points will be edited out in the final article or TV segment due to space or time constraints. By presenting only the most important points, women control the message that is disseminated.

- » Anecdotes and real-life examples from the ground always help the news media as well as the audience to grasp the situation. These should be used in all media outreach, including in press conferences and interviews.
- » Social media outreach through online resources should be integrated whenever possible into the outreach strategy.

In the case of peace negotiations or donor conferences, there is often a great deal of international engagement and attention. Women can work with international media—particularly from countries that have provided financial backing to the peace process—to raise their concerns about exclusion from decision-making forums or to call attention to the ways in which they have been affected by the conflict. Substantial media attention can in some cases compensate for the relative exclusion of women (if this is the case) from peace talks or donor conferences.

A good example of effective use of media is the way five women peace activists from Afghanistan dominated part of the media coverage of the London Conference on Afghanistan in January 2010, drawing attention to the fact that proposed reintegration and reconciliation with low-ranking Taliban could imply an erosion of women's rights gains in rural areas.<sup>9</sup> Their suggestion that women's rights might be *de facto* traded off in the interests of short-term stability was put into stark perspective in view of the fact that the sole woman civil society speaker at the conference (one of this group) was given just five minutes to present women's concerns to the conference itself.<sup>10</sup>

Local media as well as virtual social networks (e.g., Facebook, twitter, microblogging)



can also be used to raise the attention and the engagement of the population concerning ongoing processes and the issue of women's capacity and opportunities to express their views. These technologies can be useful to broaden the constituency backing women's concerns, circulate a petition that outlines women's concerns or generate participants for public debates and events, among other things. Based on the media landscape in-country, press conferences may be organized and press releases issued **before or immediately after** any peace and security or planning and donor events. Women's proposals regarding the peace and security process, agreements regarding monitoring, and the analysis of the agreement's impact on women can also be launched and presented at that time.

The World Conference of the United Nations Decade for Women (1976-1985), meeting in Copenhagen 14-30 July, is the second global meeting to be devoted exclusively to women's issues.

A general view of the First Committee. The Committee reviews and evaluates progress made and obstacles encountered at the national level in attaining the minimum objectives set forth in the World Plan of Action. 01 July 1980, Copenhagen, Denmark. UN Photo/Per Jacobsen





# GUIDANCE: BUILDING PEACE FOR GENDER EQUALITY AND HUMAN RIGHTS

**Key principles from Afghan women for the National Peace Consultation Jirga**  
**Afghan women are committed to building peace and they are resources for promoting justice and good governance in the country.** As half of the population Afghan women must participate fully in all reintegration and national reconciliation processes, not only because women's participation is a matter of democratic fairness, but because women have particular perspectives on conflict resolution to offer and gender-specific concerns that must be addressed for a just and sustainable peace. Afghan Women's Network (AWN), an advocacy platform of Afghan women and the largest umbrella organization of Afghan women NGOs in the country, has produced this guidance note that sets out our key principles for building peace that brings gender equality and respect for human rights. These principles address both procedural issues regarding the national approach to building peace, and substantive issues relating to key items on the peacebuilding agenda: good governance, reintegration and security, reconciliation and justice, and economic recovery.

## A: PROCESS PRINCIPLES

- a. A minimum of 25% of participants in all peace-making forums—whether consultative or formal negotiations—should be women.
- b. Mechanisms are needed to ensure that the needs and views of women—particularly socially excluded women and directly conflict-affected women—are represented in peace processes. This may require establishing a consultative relationship with a women's civil society form in order to channel women's views to decision-makers.
- c. Women must be represented in any institutions that implement peace agreements—institutions such as the reintegration commission, peace and reconstruction bodies, etc.
- d. Where possible, leaders in peace processes and the institutions implementing peace agreements should seek technical guidance from national gender experts
- e. International parties and stakeholders supporting conflict resolution in Afghanistan should provide oversight of any peace deals and ensure they do not violate women's rights under the constitution.
- f. Transparency is essential in all conflict resolution and peacemaking efforts.

## B: SUBSTANTIVE ISSUES

### 1. Good Governance, Peace and Women's Rights

Peace must be founded on principles of good governance and democratic politics. If there is impunity for abuses of women's rights, if women are not able to participate equally in public decision-making, this makes a mockery of efforts to reassert the rule of law and efficient governance. The exclusion of women also wastes an important resource for building integrity in public office and fighting corruption. Basic principles to be respected in governance and power-sharing arrangements include:

- a. The government cannot make commitments or agreements that require or would produce a weakening of women's rights under the national Constitution Declaration on Human Rights or the international human rights conventions to which the government is signatory.
- b. The Eradication of Violence Against Women (EVAW), the National Action Plan for Women for the Women of Afghanistan (NAPWA) and other policies on women's rights should be incorporated to the national framework for peace, reintegration, and reconciliation, and should be a core element of the legal framework in any peace agreement.
- c. Women should be represented in national independent oversight bodies established to monitor and investigate corruption.
- d. Political parties that do not recognize women's Constitutional rights cannot be registered.
- e. Political parties law to be revised to impose sanctions for non compliance with the 30% women's participation
- f. During election there should be a political code of conduct to ensure women's political participation
- g. Power-sharing agreements designed to provide specific social groups with representation or with engagement in governance in-

stitutions must not do so at the expense of women's representation or women's participation in governance institutions.

- h. Good governance reforms should advance gender equality and the capacity of public services to respond to women's needs by:
  - i. upgrading to senior management gender focal points in all national institutions and strengthening the gender units;
  - ii. extending current quotas to all branches and levels of elected and appointed government;
  - iii. supporting special measures to help women overcome obstacles to effective political competition (e.g.: measures to prevent political violence against women, measures to overcome access barriers to public debate, training, and resources);
  - iv. enforcing the 30% quota to civil service positions at all levels (including the proposed 12,000 new rural civil society posts);
  - v. The government should meet the constitutional guarantee of women's public sector employment article 22
  - vi. Strengthening of the Ministry of Women's Affairs and ensuring it participates in all decision-making clusters to ensure attention to gender and women's needs.

### 2. Reintegration and Security

Reintegration of former combatants is an essential part of peacebuilding but must not provoke further conflict, nor should it siphon resources away from community development or women's empowerment. Reintegration packages targeted at individuals will create the impression that combatants are able to benefit from the conflict, while their victims do not. Security sector reform efforts are essential for building women's physical

security and therefore must be guided by a commitment to the prevention of violence against women. Basic principles to ensure women's recovery and security needs are met include:

- a. Candidates for reintegration must be vetted carefully to exclude those who have committed war crimes.
- b. Reintegration packages must not be targeted to individual fighters but rather should benefit the whole receiving community, to create incentives for communities to engage in rehabilitating combatants and their families. Reintegration packages could include funding for schools, employment schemes, and vocational training.
- c. Families rather than individual combatants should be reintegrated in order to support community recovery and healing.
- d. The reintegration process must be monitored closely by a national monitoring body composed of government, civil society and community representatives to ensure there is no resumption of violence, intimidation, nor erosion of women's rights in receiving communities.
- e. The reintegration process should include nationality registration, and reintegration incentives should not be extended to foreign combatants.
- f. Security sector reform efforts should include the six actions set out by the NAPWA (affirmative action, gender budgets, human rights training, gender planning tools, specific focus on gender-based violence, and culture of peace), and should achieve at least a 20% increase in women's employment in the police services in five years.
- g. Women should be represented in national security sector oversight bodies such as the parliamentary defense committee and national Security Council.
- h. A National Action Plan for the implementation of Security Council resolutions on Women, Peace and Security should be developed by

ministry of women affairs and interior affairs with cooperation from the Ministries of Finance, Justice and Defense, and monitored.

### 3. Reconciliation and Justice

Both short-term reconciliation and long-term conflict prevention and healing require a process to establish the truth about the conflict and to bring justice in cases of the most extreme human rights abuses. In the absence of adequate judicial capacity or of a complete peace, these processes may be postponed, but not indefinitely. In the meantime, evidence of serious abuses and war crimes must be preserved. Core justice and reconciliation principles include:

- a. Commitments must be made to ensure safe conditions for women to engage in planned or future truth, reconciliation, or judicial processes. This will require mechanisms to establish complete confidentiality of witnesses, and training and preparation of judicial personnel to process these cases in ways that protect the dignity of the affected.
- b. Resources must be invested in expansion of the formal justice system to give women access to justice and ensure that any customary or informal judicial mechanisms comply with the constitution of Afghanistan, women's rights under Islam and international standards.
- c. Any reparations programme should ensure provision of reparations to women who have been the direct victims of the conflict. Reparations must be provided in a non-stigmatizing way that does not expose the identities of women recipients. Community reparations may be a viable option in this regard.

### 4. Wealth-Sharing and Economic Recovery

Women's capacity to engage in peacebuilding is closely linked to their economic security. Poverty prevents women from participating in public decision-making thus preventing them from contributing to good governance and long-term recovery. Basic principles on this issue could include:

- a. Any financial incentive to insurgents should not divert resources from women's empowerment and development
- b. Commission on gender special fund
- c. Women should be represented in the budget committees. Aid should be monitored to track its effectiveness in promoting women's rights and gender equality.
- d. Donors should ensure that a certain amount of funds are dedicated specifically to the promotion of women's rights and addressing their urgent needs.
- e. Financing for Afghan women's organizations should increase to enable them to build capacity for engagement in national decision-making and to implement the development agenda.
- f. Women's land property and other economic support for women's economic security which relates to women's physical security should be guaranteed.

# Women's Priorities in the Peace Process and Reconstruction in Darfur

**30 December 2005, Abuja<sup>11</sup>**

**In 2005, a Gender Experts Support Team, composed of 20 women members and backed by the governments of Canada, Norway and Sweden and by UNIFEM was invited to participate in the seventh and decisive round of the Darfur Peace Agreement negotiations.** The team gathered women from a variety of tribal and ethnic backgrounds in Darfur to create a unified platform of women's priorities and gender issues. This outcome document contains a number of key provisions related to women and children. During the three short weeks that women were allowed to participate in the talks, they were able to negotiate for the inclusion of an impressive number of their priorities in the final agreement. The accord includes language that is gender-sensitive and, among other priorities, calls for the participation of women in decision-making bodies and in peace-building.<sup>12</sup>

In the Name of Allah, the Compassionate,  
the Merciful

Preamble:

**We**, the women of the Sudan participating in the 7th Round of the Inter-Sudanese Peace Talks on the Conflict in Darfur currently taking place in Abuja, Nigeria, comprising members of the Gender Experts Support Team, as well as members of the delegations of the Government of the Sudan and the two Movements, namely, the Sudan Liberation Movement (SLM/A) and the Justice and Equality Movement (JEM):

**Strongly believe** in the unity, sovereignty and territorial integrity of the Sudan;

**Affirm** that democracy is the foundation of good governance, rule of law, justice, equity and equality;

**Also affirm** that the women of Darfur have, from time immemorial, been renowned for their historic struggles and participation in all levels of governance in their kingdoms and sultanates;

**Further affirm** that gender issues cannot be divorced from the political, social, cultural, developmental, and economic and security considerations in Darfur. These issues relate to the primordial role of women in the economy of Darfur where they account for an estimated 60% of the labour force in the agricultural sector, particularly in agriculture *per se* and livestock production,

in addition to their participation in petty manual labour and small-scale commercial activities as well as in the formal and informal sectors. Women also exhibit massive presence in the food industry sector. However, recent studies indicate that the region is one of the poorest in the Sudan, with the countryside in particular lacking in infrastructure, drinking water and primary health care services—a situation at the root of the high incidence of child and maternal mortality, as well as the spread of malnutrition-related diseases and other chronic killer ailments;

**Note** that drought, desertification and inappropriate economic policies have exacerbated poverty and under-development in the rural areas triggering male emigration which, in turn, has increased the burden of the women’s chores and female illiteracy rate which statistics have put at 75%;

**Observe** that women and children are the most affected by the war and the worsening security situation in Darfur, with the women being subjected to violence, rape and sexual harassment<sup>13</sup>, thus compelling them and the children to seek refuge away from their homes. They make up around 90% of displaced persons and refugees with all that this entails in terms of the negative impact on their lives, particularly in the sectors mentioned earlier;

**Aver** that it was in this context that the women joined the armed Movements, and have been participating in their activities including armed struggle, which in turn, have had an impact on them.

**Affirm** our support for all the agreements already signed with a view to resolving the Darfur conflict and protecting women and children.

**Appreciate** the role being played by the international community in raising awareness of women and children related issues and in drawing attention to the need to involve women in all stages of the peace negotiations and in the implementa-

tion of future peace agreements based on existing agreements and Protocols, namely:

1. UN Convention on the Rights of the Child;
2. Protocol to the African Charter on Human and People’s Rights;
3. The 2005 Interim Constitution of the Sudan;
4. The Declaration of Principles (DoP) on the Conflict in Darfur signed in Abuja, Nigeria, in July 2005, by the Parties to the conflict;
5. The AU Heads of State Solemn Declaration on Gender Equality in Africa;
6. Universal Declaration of Human Rights;
7. The International Humanitarian Law;
8. United Nations Security Council resolution 1325 (2000) on Women, Peace and Security;
9. The Constitutive Act of the African Union, which states that gender equality is one of the objectives of the Union;
10. The African Charter on the Rights and Welfare of the Child.

And now wish to address the following core issues:

1. Security;
2. Power Sharing; and
3. Wealth Sharing.

## 1. SECURITY

For the population of Darfur, security is a priority. Women and children are the primary victims of the deteriorating security situation, arising from:

1. Weakness of the Rule of Law;
2. Prevailing Insecurity;
3. Unauthorized possession of fire arms;

4. Weakness of public administrations;
5. Presence of the Janjaweed (armed militia);
6. Inadequate participation of women in security structures; and
7. Outbreak of war in Darfur.

### Consequences

The deteriorating security situation has resulted in human rights violations such as the killing of civilians, destruction of villages and the looting of property. It has also unleashed the internally displaced persons and refugee phenomenon, and occasioned the dislocation and disintegration of families, violence against women, rape, sexual harassment and abduction.

### What do security and protection mean for women?

As far as the woman is concerned, security represents peace and tranquility for herself, her children and her family, as well as protection of her honour and dignity. It also means living a normal life in her country of origin and enjoying such rights as have been conferred by the Constitution, laws, resolutions and the regional and international instruments ratified by the Government.

### Recommendations

1. The Government and armed Movements should, without delay, fully comply with the Ceasefire Agreement they have signed, and protect civilians, particularly women and children;
2. The ceasefire monitors should carry out their mission effectively and expeditiously;
3. The Government and the armed Movements should respect human rights and the International Humanitarian Law;
4. The armed militia known as Janjaweed should be disarmed immediately;
5. Rule of Law should be observed and consolidated;

6. The principles of equality and accountability should be recognized;
7. A mechanism for the protection of women and children should be put in place;
8. Women and children should be given priority during compensations/ reparations for damages and destruction caused by the war;
9. Establish a civilian police with women constituting not less than 30% of the force;
10. Build a police force capable of maintaining internal security and protecting the society;
11. At least 30% of those recruited into the regular forces and judicial organs should be women;
12. Training and skills enhancement centers for law enforcement should be established;
13. For purposes of admission into military academies and institutions, there should be positive discrimination in favour of the best female students from Darfur;
14. Rehabilitate and reform public administration structures and related regulations, eradicating therefrom all political and military polarization thereby enabling these structures to play their role as stakeholders in the maintenance of security, protection of society and reconstruction of the social fabric;
15. The status of female combatants should be taken into consideration during the signing of the Agreement on Security Arrangements;
16. Repatriate and resettle internally displaced persons and refugees in their places of origin, reconstruct such places, provide the concerned persons with protection and security, and ensure that their repatriation is voluntary;



17. Women should participate actively in the work of the Commissions responsible for voluntary return and reconstruction. Internally displaced women and women refugees should participate in all levels of such Commissions to the tune of not less than 50%;
18. Establish a Reconciliation Commission with 40% women participation;
19. Address primary and reproductive health care for women as a way of ensuring social and health security;
20. The laws relating to women should be reviewed with a view to harmonizing them with the international agreements and instruments ratified by the Government, and encourage civil society organizations to enhance women's awareness of their rights;
21. Provide secondary education in the camps and make an appeal to the international community to accord special attention to the education of girl refugees;
22. Review, as a matter of urgency, the system of girls boarding schools with focus on the rural areas;
23. Special attention should be given to the education of women and children as a strategic plan for creating security for the future;
24. A mechanism should be put in place to take an inventory of women and children who have lost their lives as a result of the war in Darfur;
25. Women should not be involved in political disputes and assassinations, and women activists and leaders engaged in voluntary activities should be protected;
26. An organ should be created to address the situation of women and children disabled by war and provide them with legal support, psychological counseling and other relevant services;
27. Ensure the safety and security of major roads and access routes;
28. Girl delinquents and internally displaced females should be protected and given training, and homes should be established for those with special needs, female IDPs and old people without family support;
29. Provide access to humanitarian assistance for people affected by war, most of whom are women and children;
30. Encourage the Parties to assume their responsibility in the search for ways and means to reach a peace agreement as quickly as possible.

## 2. POWER SHARING

Women account for 51% of the population of the Sudan, and 55% of that of Darfur. Women and children constitute 90% of the total number of IDPs and refugees. However, this fact is not reflected in their participation and representation in the various levels of governance.

The factors militating against women and preventing them from fully playing their role include the following:

- » Socio-cultural factors:
  1. Dislocation of families as a consequence of the deteriorating living conditions and the war;
  2. Customs and traditions, cultures and class-based structures that underpin gender inequalities;
  3. Social prejudices whereby women are seen as weak, less intelligent, more lacking in wisdom and logic than men;

4. Discrimination and inequalities arising from the absence of complementarity of gender roles and the lack of understanding of the different biological roles of men and women;
  5. Male dominance;
  6. Misinterpretation of religious beliefs.
- » Political and Legal Factors
1. Marginalization at all levels of decision-making, particularly those of strategic nature;
  2. Poor political participation and inadequate support from political parties;
  3. Exclusion of women's rights in some legislations;
  4. Negative valuation of women's contribution;
  5. Inequality in job remunerations in some institutions.
- » Other Factors
1. Gender based injustices;
  2. Illiteracy;
  3. Lack of gender awareness;
  4. Limited experience sharing among experts;
  5. Exploitation of women;
  6. Lack of motivation and self-confidence.

For the above reasons, power means a lot for the women of Darfur. It represents for them the right to citizenship, democratic participation in the federal system, good governance and predominance of the rule of law, to achieve justice and equality for all (see Legislative Authority 1 and 2 hereunder).

To enable women to effectively play their role and boost their presence especially within the conflict areas of Darfur, it is needful to present the following recommendations in pursuance of women's demands for Power Sharing:

Accord women all the rights stipulated in the Interim Constitution of the Republic of the Sudan as well as in international and regional instruments. Empower them to participate and be represented at all levels of decision making, while ensuring that such representation is to the tune of 30% at national level, and 50% at Darfur governance level, in accordance with the agreement to be concluded between the Government and the Movements (see Legislative Authority 2, 4 and 7).

a. Executive Organs

1. The Presidency: Women to be appointed Presidential Assistants and Representatives, as well as the Assistants and Representatives to the two Vice Presidents;
2. Council of Ministers: Women to be appointed to senior positions in Ministries especially such strategic Ministries as Finance, Economic Planning, Energy, Education, Higher Education and Scientific Research as well as the Census Board and Urbanization Department.
3. Women to be appointed to senior positions in all Commissions, especially key ones such as the Petroleum Commission.

b. Legislative Organs

1. Women to participate effectively in the Parliament and be appointed Chairpersons of Specialized Commissions;
2. Women to participate actively in the National Electoral Commission.

c. Judicial Organs

1. Women to participate effectively in the National Judicial Commission and other Judicial Bodies;
2. Women from Darfur to be appointed to senior positions within the Judicial Structure and the Office of the Attorney General.

d. Civil Service

1. Women to participate effectively in the National Civil Service Commission;
2. Enact laws for effective protection of the rights of women and the family as the nucleus of the society; existing laws on this issue should be reviewed to make them more effective; work towards a change of mentalities and unprogressive traditions and strengthen the role of women. It behooves the Government, local authorities and the civil society to achieve these goals;
3. Take on board gender specificities and undertake positive discrimination in favour of women in the elaboration of capacity building and training programmes for institutional development, and ensure at least 50% women's participation in such programmes (Legislative Authority 2, 3 and 5);
4. Establish programmes and networks for exchange of experience;
5. Take decisions aimed at bridging the educational gap for women and young girls, especially herdswomen and nomadic women and boost their awareness through increased number of educational institutions and literacy structures that undertake professional and vocational training;
6. Provide secondary education in displaced persons camps, and appeal to the United Nations and national commissions to do the same in refugee camps;
7. Women should participate in all levels of local administration;
8. Create an advisory board for women's affairs in Darfur;
9. Women should participate in associations and trade unions.

### 3. WEALTH SHARING

We regard national wealth as property belonging to all citizens, be it men, women or children. Wealth includes human resources, human capital, land as well as surface and underground natural resources.

For the women of Darfur, wealth is of vital importance because the women are a factor of production; they are involved in all areas of activity and constitute nearly 60% of the labour force in the agricultural and animal resource sectors. Yet, women do not have anything to show for their immense contributions to the economic service sectors such as financing, training, savings for production and production protection, as well as social service sector and infrastructure. In addition, women play the role of family heads among IDPs, refugees and migrants, as well as in situations of natural disaster.

In view of the aforesaid, we the women of the Sudan hereby present the following recommendations (Legislative Authority 2 and 4):

1. Ensure equitable participation of women at all levels of economic and financial decision-making, and thereby enable them to participate in the preparation of pertinent strategies at all levels (Legislative Authority 4 and 6);
2. Women should participate actively in negotiations, as well as in Structures and Commissions dealing with power sharing at all levels to the tune of not less than 40% (Legislative Authority 4, 6 and 7);
3. Undertake affirmative action with a view to enhancing the productive capacities of Darfur women, and provide them with credits, production inputs and technical advice (Legislative Authority 6);

4. Undertake positive discrimination measures for skills upgrading and capacity building at leadership and grassroots levels in civil society institutions and establish institutions and training centers especially in rural areas without ignoring urban centers;
5. Institute free and compulsory education for girls at least up to secondary school level; reorganize the boarding school system; provide compulsory adult literacy as a vital element of income generating programmes and projects; and establish Faculties not presently available in the Universities of Darfur;
6. Set up a special fund to finance the poor women in the rural areas, and in particular, promote small-scale food industries for women; encourage savings for agricultural sector and livestock production as well as for small-scale service industries, with priority given to female family heads. Such a fund should be financed by the allocations to gender matters under the national resource fund, the Darfur reconstruction fund, donors, the federal state fund and by other available resources (Legislative Authority 6 and 7);
7. Establish branches of the Investment Bank in all regions of Darfur to facilitate loans and credits for projects;
8. Involve women in the Land Commission to the tune of 40% and enact equitable laws to facilitate access by women to pastoral land and to land designed for construction and investment;
9. Women should be represented to the tune of 40% in farmers', livestock producers, and employers' associations as well as in chambers of commerce and gum arabic production enterprises;
10. Formulate policies and enact and implement laws and regulations that open up investment opportunities for women;
11. Ensure effective participation of women in the Joint Assessment Mission (JAM);
12. Protect the housewife by implementing laws relating to employment and housemaids; enact laws to protect women in the informal sector (Legislative Authority 2 and 4);
13. Give priority to women in the payment of reparations/compensations in view of the fact that they are the worst affected by the war;
14. Establish an institution for the development of female arts and artistic creativity;
15. Involve women in all the Commissions dealing with the return of refugees, at all levels;
16. Encourage the production of alternative energy resources, address all factors contributing to environmental degradation and popularize environment development programmes.

Legislative Authority:

1. The Declaration of Principles (DoP) on the Resolution of the Sudanese Conflict in Darfur (Abuja, Nigeria, July 2005).
2. The Interim Constitution of the Sudan (2005).
3. Protocol to the African Charter on Human and People's Rights Relating to the Rights of Women in Africa (11 July 2005).

4. Solemn Declaration on Gender Equality in Africa (2004).
5. IGAD Gender Policy Framework.
6. Recommendations of the Oslo Donors' Conference on the Sudan (2005).
7. United Nations Security Council resolution 1325 on Women, Peace and Security (2000).
8. Universal Declaration of Human Rights (1948).
9. International Treaty on Socio-Economic and Cultural Rights (1966).
10. International Treaty on Civil and Political Rights (1966).
11. Geneva Convention (1949) and two related Protocols (1977).
12. Convention on Refugees (1951) and related Protocol.
13. Convention on the Rights of the Child (1969).
14. Law on the Rights of the Child.
15. UN Charter on the Rights of the Child.
16. The African Charter on Human and Peoples' Rights Relating to the Rights of Women in Africa.

# Uganda Women's Coalition for Peace, 2006<sup>14</sup>

## BACKGROUND TO THE COALITION

**The Uganda Women's Coalition for Peace herein the Coalition was formed at the end of July 2006 at the inception of the Juba Peace Talks between the Government of Uganda and the Lord's Resistance Army/Movement.** The mission of the Coalition is "attainment of sustainable peace in Uganda" and the objectives of the Coalition are as follows:

- » Lobby and encourage the negotiating Parties to stay committed to and sustain the talks until a comprehensive and amicable solution is reached.
- » Engender the Peace process by advocating for the inclusion of women's concerns in all the 5 Agenda items.
- » Lobby for space for the inclusion, involvement and participation of Ugandan women at the negotiation table and different levels during the Peace negotiation process for purposes of enabling, then engage further and guide stakeholders in the implementation of post conflict reconstruction and development program.
- » Provide space for women to give technical legal and gender expert advice to the parties to the talks including the Mediator and his team.
- » Prepare the affected communities to receive and sustain the peace and ultimately the implementation of all outcome documents of the Juba Peace Initiative.
- » Give feedback especially to the communities of Greater Northern Uganda and donor/development partners.
- » Monitor and evaluate the performance of the parties to the talks within the context of resolution 1325 (2000).

## COMPOSITION OF THE COALITION

The coalition comprises of the following member organizations. At the national level they include: Uganda Women's Network (UWONET) which is the Coordination secretariat of the Coalition; the Uganda Association of Women Lawyers (FIDA-U) which is responsible for legal and policy technical advice and legal representation during the post conflict reconstruction process; Isis-Women's International Cross Cultural Exchange (Isis-WICCE) in partnership with Telemedia Communications Limited which is in charge of women's involvement in the Juba talks; Center for Conflict Resolution (CECORE) charged with the duty of capacity building on mediation, conflict/dispute resolution and negotiation among others;

Action for Development (ACFODE), National Association for Women in Uganda (NAWOU) and Mystic Media responsible for publicity and media outreach and Uganda Women Parliamentary Association (UWPOA) accountable for legislative advice and reform including lobbying the Legislature and Government.

At the District levels the Coalition works and partners with the District Women's and civil society organizations/community based organizations, the District Leadership, religious/traditional leaders in the regions of: Acholi, Lango, Teso, Karamojo, Kasese and West Nile and the include the following- Acholi Religious Leaders Peace Initiative—Women's Empowerment Strategy (ARLPI-WES); Teso Women's Peace Initiative (TWEPA); Kitgum Women's Peace Initiative (KIWPA); Lira Women's Peace Initiative (LIWPA); Northern Uganda Women Communicators Organization (NUWCO); National Association for Women in Uganda (NAWOU); PRAFORD; Gulu Women for Peace Reconciliation and Resettlement (GUWOPAR); People's Voices for Peace (PVP); Coalition for Peace in Africa (COPA); and Concerned Women's Organization for Peace and Development (CWOPDED).

The coalition is supported technically through provision of advisoral support and financially from the United Nations Fund for Women in Development (UNIFEM) through SIDA-Sweden and Norwegian Embassy and the UN Special Envoy to the Conflict Affected Areas.

## MANDATE OF THE COALITION

The Uganda Women's Coalition for Peace is collectively mandated and guided by a number of legal instruments and conventions at used at the national, regional and international level which have the binding force on Uganda as a state party and signatory. These instruments notably the United Nations Security Council resolution 1325 (2000) on women, peace and security, the Solemn Declaration on Gender Equality in Africa (2004), Optional Protocol for Women Sections of the Constitution of Uganda, 1995 as amended

by Constitutional Amendment 2005 which calls for protection and participation of women in decision making, governance and democracy among others have given engage in the ongoing talks, for instance the UN Security Council resolution 1325 (2000) to which Uganda is a signatory requires state parties to ensure women are given the opportunity to play a central role in matters of conflict prevention, peacebuilding and dispute resolution. It is these instruments that have guided the Coalition in formulating specific provisions for inclusion in all the outcome documents thus reflecting national commitment and conformity to international human rights, governance and rule of law standards and principles. Thus the women's priority issues are as follows:

### 1. CESSATION OF HOSTILITIES:

Essentially the Agreement on Cessation of Hostilities and subsequent addenda focuses on military aspects, requiring parties to conform to acceptable standards that call for the ceasing of hostilities and hostile propaganda against each other that may undermine the Peace talks.

The same Agreement provides in Section 9 thereof for the establishment of a Cessation of Hostilities Monitoring Team (CHMT) whose major task is to among others monitor implementation of the Agreement.

Considering therefore the relevance of this Agreement and it's implications on Agenda item V- Permanent ceasefire and the interests of women, girls and gender aspects the women of Uganda deemed it necessary for the parties to redefine ceasing of hostilities to incorporate gender aspects and to include ceasing of all forms of hostilities against the bodily integrity of sexual and gender based violence.

**I. That the redefinition of cessation of hostilities and the inclusion of gender based violence be treated with utmost care as an area requiring observance of**

## **cessation of hostilities within the Cessation of Hostilities Agreement.**

Thus we recommend that the parties consider using an expanded definition of Gender Based Violence drawn from Articles 1 and 2 of the UN General Assembly Declaration on the Elimination of Violence against Women (1993) and Recommendation 19, paragraph 6, of the 11th Session of the CEDAW committee:

“...gender-based violence is violence that is directed against a person on the basis of gender or sex. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty... While women, men, boys and girls can be victims/survivors of gender-based violence, women and girls are the main victims/survivors.

...shall be understood to encompass, but not be limited to the following:

- a. Physical, sexual and psychological violence occurring in the family, including battering, sexual exploitation, sexual abuse of children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.
- b. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in education institutions and elsewhere trafficking in women and forced prostitution.
- c. Physical, sexual and psychological violence perpetrated or condoned by the State and institutions, wherever it occurs.”

## **II. In fulfillment of Security Council resolution 1325 (2000) women need to be at the forefront of conflict prevent and res-**

**olution of conflict in peacebuilding. The implication of this is that women would have to play a central role in the maintenance and promotion of peace security and increase their role in decision making with regard to conflict prevention and resolution:**

- » The women request that women be include on the mediation table ; and
- » That more women be included as observers in the Peace Process.
  - › That Cessation of Hostilities Monitoring Team includes women to conform to the 1/3 quota Constitution principle on affirmative action to ensure due consideration is given to the planning, assessment, implementation, monitoring and evaluation of women and girls interest using gender responsive mechanism.
  - › That the Cessation of Hostilities Monitoring Team holds itself accountable together with the parties to the talks and informs all affected persons and civil society as stipulated in the Agreement about the salient features of the Agreement and the implications thereof especially on Demobilization, Disarmament, Rehabilitation, Re-integration and Resettlement and how parties intend to adhere to agreed positions.
  - › That the Government and the LRA/M conform to international instruments and put in place mechanisms that will ensure that no children, women and citizens are unduly coerced into engaging in hostilities and recruited as soldiers.
  - › A road map is drawn on re-habilitating ex-combatants who have been demobilized from Assembly areas into society and investing in life skills training including the establishment and provision of psychosocial support centers for persons affected by the war and



those involved in the war for purposes of harmonious living in society.

## 2. COMPREHENSIVE SOLUTIONS:

Whereas the Agreement seeks to address the root causes of the said conflict it is imperative that the issues be addressed taking into consideration the national character and ongoing processes to address the imbalances, marginalization, in-equalities and in-equity issues. That some of the root causes identified include among others: Good Governance, Rule of Law, Constitutionalism, Equality and sharing of the national cake, addressing the gender imbalance.

### **I. Economic Empowerment of Women In The Greater North: This was considered by the women as an area requiring serious Government interventions as a measure of attaining equality through availability of equal opportunities**

#### **Recommendations:**

- a. Application of the principle of affirmative action and the provision of grants or interest free loans to enable the women to become economically independent and empowered.
- b. That Government of Uganda through the Office of the Prime Minister which is charged with the duty of implementing the reconstruction Program as stated in the PRDP review the document to include these concerns.

### **II. Girl-Child in the War torn areas: It has been noted with concern that the girl-child has not effectively been able to attain an education and benefit from non conflict affected areas. The majority who have attained secondary school education have done so under difficult circumstances with a number of the girls dropping out of class due to societal pressures such as early marriages, distance to school, defilement, poverty**

**which forces girls to look for alternatives, hence unwanted pregnancies and child motherhoods.**

#### **Recommendations:**

- a. Tailored programs to address the plight of the girls so that they can attend and finish education or be equipped with life sustaining skills.
- b. Policies and laws are put in place in order to address the issue of early marriages.
- c. Infrastructures are put in place such as safe water and health to the communities, services of reproductive health to be put near the people.
- d. Awareness raising on the benefit of the girl-child attending school.
- e. Affirmative action on education from Primary to University/Tertiary institution level.

## 3. RESETTLEMENT OF INTERNALLY DISPLACED PEOPLES

With the relative peace that is being experienced in the Greater North, we appreciate Government's initiatives and strategy developed for resettling IDPs who for the last twenty years have been temporary residents in their own homes. We note the arrangements made by government to gradually resettle the Internally Displaced Persons in their former areas of residence. However we note with concern the challenges identified under the Decongestion and Resettlement process to especially women and men thus the need to critically understand and handle the dynamics.

#### WOMEN AND RESETTLEMENT

Although Government is giving out resettlement packages to the IDPs to enable them to start up their lives and put up structures, women are concerned by a number of factors, for instance the need to redefine concepts such as Household to include female-headed households. Evidence gathered during a field visit to Gulu and Pader

districts revealed that female headed households were marginalized and left out during the distribution of iron sheets. Iron sheets are given to male-headed households, yet the majority of women lost their husbands to war. The other issue has been in instances where the man has several wives. The question that comes to the minds of the women activists is which woman takes the iron sheets—the first or the latest wife.

### **Recommendations:**

- a. Government needs to carry out a needs assessment based on gender-disaggregated data of the internally displaced people to guide its decision making process and strategy of redistribution.
- b. Women need to be considered equitably under the welfare program and share in items being distributed by government, Development partners and CSOs i.e. iron sheets should be equally distributed to all genders.

### Land, Women and Children Born in Internally Displaced People's Camps (IPDs)

Women have been caught up in the LRA in the Greater Northern Uganda against their will and this has been to their detriment. As a security measure, government issued a directive to people to live in IDP camps. In the IDP camps, the situation has been so appalling and dehumanizing without provision for secure settlements; worsening living conditions; lack of and poor water and sanitation systems; poor hygiene; lack of food and warm clothing; lack of medicine to mention but a few. The resulting effect has been high child mortality; increased poverty; increased human rights abuses; increase in poverty levels; increase in child pregnancies; unwanted children and a high degree of irresponsibility; loss of property and land and therefore loss of the only source where most people derived their livelihood.

Customarily women's rights to land are limited to user rights. Close to 80% of the land in Uganda is held under customary tenure. To date, women hold only 16% of registered land. The women in the North fall under customary tenants, users and owners of land but the majority do not own land because of the cultural and patriarchal systems. Culturally women rarely inherit land from their father's preference being given to the male children. Thus the system as it is favors the male children. Thus the system as it is favors the male children more leaving women in a disadvantaged position considering that they shoulder most of the responsibilities in the home. The war in the North complicates matters further, increasing the number of child headed and female headed households. This leaves the already marginalized and wary beaten women in a more vulnerable position where they are expected to fend for their children and yet on the other hand they do not own this resource called land. This position has been compounded by placing people in camps leaving especially women, children and orphans in destitute situations where for instance besides finding your place in society they are caught up in identity conflicts, land conflicts where boundary marks have been removed as vast pieces of land and anything on it had to be cleared during the war. Widows and orphans have had their land taken by either the clan or sold out leaving them stranded. It is this that concerns us because most of these do not have alternatives and nowhere to go! The women cannot go back to their fathers' homes with children from another clan to settle and derive a livelihood. Neither can they buy land because their hands are tied.

The land question needs to be addressed in the context of the war taking into cognizance among others gender, poverty, culture, patriarchy and threatening to rob peasants off the only livelihood resources left.

### **Recommendations:**

- a. Government should use its already estab-

lished institutions to put in place measures that protect and guarantee that everybody in the camp will get back their land and that women, children and orphans' rights to land will be protected.

- b. Given that there is lack of a resettlement policy, Government should put in place a comprehensive strategy that caters for and controls the massive exodus of people from other parts of the country to "vacant land" in the greater north as this may cause more serious land conflicts than the one caused by the 20 year war.
- c. Government should sit and discuss with clan/cultural and religious leaders to map out strategies for resettling people in their family/clan land and also explore other options of land ownership other than limiting their solutions to customary ownership, because this ownership tends to leave out the women and children.
- d. Awareness raising on critical issues among others land, conflict and dispute resolution, gender, governance and the rule of law, human rights etc. among the IDP camps needs to be done. This will enable both men and women to accommodate each other and equitably share the land and resources that are available.

## WOMEN AND PSYCHOSOCIAL SOCIAL SUPPORT PROGRAMS

Ugandan citizens and even soldiers in the Greater North have experienced telling degrees of trauma. Most of them, including children born and raised in camps under a war situation, have not had the opportunity to lead a normal life. Children who bear the brunt of the insurgency and are traumatized and mothers/women who have had to be pillars for their family, taken everything in their stride and have been at the centre of the sufferings, bear the scars of war and are twice traumatized! We are talking of youth and young men who under duress were forced to kill

friends and relatives and due to the situation in the camps and the horrid environment, have lost face and do not believe in themselves any more. It is from such a background that we recommend the following:

### **Recommendations:**

- a. Government with the support of donor partners to put in place continuous psychosocial support systems to address the needs of all formerly abducted women, men, and children and systematic reintegration of those groups into the community to be done.
- b. Government should actively include women to participate in designing and implementing rehabilitation programs in post conflict situations that are more tailored to help them reintegrate to a normal community life.
- c. Sanitary pads and other basic requirements be given to the girl-child to restate her self esteem.

Health care and social services

- » Basic care for mothers
- » Medical care
- » Increased maternity rates and nutrition care for children
- » Infrastructure and roads
- » Government needs to invest more in the health needs of the people because if they are ill then they cannot live.

- 1. ACCOUNTABILITY AND RECONCILIATION: Women and the Justice System: Justice, law and order institutions have not been able to operate effectively in the greater north because of the war. In most areas there is lawlessness and breakdown in systems and the non observance of the rule of law. There have been serious abuse of human rights and violation of women's rights with limited interventions. There is lack of information on Constitutional provisions and the current legal regime

and presence of government institutions. People do not know whom to turn to when seeking legal redress. Women's rights and bodily integrity have been abused and children's rights violated and gone unattended.

### **Recommendations:**

- a. The Government strengthens the systems of justice, law and order in the war torn areas. The Police, Courts and Local Courts need to be effective with the resources and personal on the ground.
- b. Government and donor partners should support the establishment of legal aid services and strengthen those on the ground to handle legal and human rights issues affecting women and children. Professional and civil society organizations such as FIDA- Uganda and Uganda Law Society in particular need to be aided to complement government services in the delivery of justice.
- c. Ensure access to justice and provide legal aid with a view of promoting gender justice to address women rights and violations.
- d. Institute accountability and justice mechanisms that are gender sensitive and responsive to women's issues.

### **INTERNATIONAL CRIMINAL COURT VIS-À-VIS THE JUBA PEACE TALK**

We note with concern the controversy posed by the indictments issued by the International Criminal Court (ICC) against five top LRA/M leaders (two of whom may be deceased) for war crimes and crimes against humanity. From a legal and technical perspective although Uganda is signatory to the ICC Rome Statute it has not domesticated it into its national legislation which is in itself a lacunae that could cause serious breaches and lead to a miscarriage of justice if the ICC fails to expedite the process of indicting the top LRA commanders.

Whereas it is noble, this may stall and or cause delays in the already delicate peace process or even plunge the parties back into war. It is therefore incumbent on the parties to the talks, including the Chief Mediator and his team, to ensure that the parties develop mechanisms that conform to the principles of complementary other that those that condone impunity.

### **Recommendations:**

- a. Propose that Government deals with first things first, which at the moment is the Peace process. In this aspect, Government should guarantee the safety of the LRA within its spheres of operation, and, request the UN and the ICC to give the peace talks a chance by stalling their request.
- b. That the Ugandan Government sets a clear framework of dealing with the political process in the peace talks and makes it a priority.
- c. In addressing the gender justice question, mechanisms put in place must at all times ensure the provision of legal aid services by professional and civil society organizations as supported by Government and donor partners.
- d. Establish community support to women (space for women to share their pain and experiences) and to families especially to address the Psychosocial Support Programs.
- e. The need to popularize the current Peace, Conflict and Security into a national issue because at the moment it is being viewed as a "Northern" affair.

### **4. DEMOBILIZATION, DISARMAMENT, RE-INTEGRATION AND RESETTLEMENT:**

A successful disarmament, demobilization and reintegration (DDR) programme is critical for the attainment of an "effective transition from war to peace" and, on the other hand, unsuccessful DDR processes can threaten the stability of peace agreements and long term sustainable peace.

Disarmament meaning the collection of weapons, should occur in assembly areas predetermined during the Peace negotiation (and this is where the Cessation of Hostilities Agreement and other subsequent addenda are important).

Demobilization is the formal disbanding of military formations and at the individual level, it is the process of releasing combatants from a mobilized state. The discharge of ex-combatants often occurs during a period of time during which they are transported to their homes and granted small initial reinsertion packages.

Re-integration has two phases namely: reinsertion and long term re-integration. Reinsertion refers to the short term period of an ex-combatant into his/her former home or a new community. Re-integration is a much longer process with a goal of ensuring permanent disarmament and sustainable peace. It includes assisting the community and ex-combatant during the difficult transition to civilian life. In this phase, former fighters may enter job placement and services, participate in skills training, credit skills, scholarships or rehabilitation programs.

In some places the international community may refer to fourth R representing Rehabilitation which encompasses difficulties such as psychological and emotional aspects of returning home, as well as problems that arise in relation to the wider community. It should be noted that nearly all DDR Programs address rehabilitation to certain extent, but DDR is the most used acronym.

Due consideration should be given to the impact of DDR on women. It is widely known that the international community and Government often overlook the impact of DDR on women as witnessed in the case of Sierra Leone. In fact the impact of returning male fighters on women and even the existence and the specific needs of female fighters have been historically overlooked. This neglect of the many but complex roles

women play during conflict and war leads to a less effective, less informed DDR that does not fully extend to the community level and may not lead to long term or sustainable peace.

It is from such a background that the Coalition of Women in Peacebuilding is pointing out areas for reconstruction as follows:-

#### DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION (DDR) KEY FINDINGS:

- i. Women girls play complex roles during conflict. They are combatants, who carry arms and fight alongside men, and they are associated with armed forces and groups in other ways when they are abducted, forced into sexual slavery, or become “wives” of combatants.
- ii. While women form only 2% of the world’s regular military forces, they are more widely represented in insurgency movements, and especially among those with lower levels of education.
- iii. The fact that the proportion of women associated with armed forces and groups has not been adequately recorded affects the way in which women are treated by disarmament, demobilization and reintegration DDR programs.
- iv. Many of the criteria that are put in place to enable fighters to qualify for DDR programs make it difficult for women to participate.
- v. Previous DDR processes have excluded women combatants as well as “wives” and abducted girls from directed assistance. Women have been excluded because they do not have weapons.
- vi. Women associated with combat groups are reluctant to identify themselves as DDR processes begin and thus miss the opportunity to benefit from them.

- vii. Typically, women's needs are overlooked in most reintegration programs.
  - viii. Women play a significant yet often unacknowledged role in reintegrating former fighters back into communities.
  - ix. Women have been most active, and gender roles most transformed, in communities that receive continuing and systematic support.
  - x. Women own and use small arms in smaller numbers than men and have attitudes about weapons that are radically different from men.
  - xi. Women have been active in launching small arms awareness campaigns.
  - xii. Women most affected by guns often have the best ideas about incentives to support the removal of arms from the community and can play a significant role in convincing people to surrender their weapons.
  - xiii. Disarmament education helps women be more assertive and involved in family decision-making processes. It also assists them in dealing with the authorities and helps them gain access to paid work.
- e. Extend the definition of combatant to take into account the supporting roles played by other women associated with armed forces and groups.
  - f. Accept females into DDR programs when unaccompanied by men.
  - g. Design and implement public information programs to encourage women combatants and women associated with armed forces and groups to participate in the DDR process.
  - h. Ensure conformity with international standards on DDR, including following definitions:
    - › Female combatants: Women and girls who participated in armed conflicts as active combatants using arms.
    - › Female supporters/females associated with armed forces and groups (FAAGs): Women and girls who participated in armed conflicts in supportive roles, whether coerced or voluntarily. These women and girls are economically and socially dependent on the armed force or group for their income and social support. Examples: porters, cooks, nurses, spies, administrators, translators, radio operators, medical assistants, public information workers, camp leaders or women/girls used for sexual exploitation.
    - › Female dependents: Women and girls who are part of ex-combatants' households. They are primarily socially and financially dependent on ex-combatants, although they may also have retained other community ties. Examples: wives/war wives, children, mothers/parents, female siblings and female members of the extended family.

Recommendations for designing DDR processes:

- a. Ensure women's participation in negotiations and decision making regarding DDR.
- b. Include gender experts in designing, implementing, and monitoring DDR programs.
- c. Consult with various social groups, including women, in designing DDR. Consult separately with women to ensure that DDR programs meet their needs.
- d. Include a gender-sensitive monitoring mechanism in DDR programs.
- a. Demobilization
  - › Recruit female military observers to oversee the screening process for women associated armed forces and groups.

- › Ensure that cantonment sites are women-friendly—that they are safe and provide healthcare, childcare, training, etc. Establish secure centers for women, and provide health services and access to education on sites.
- › Allow women combatants to report to women field workers and train support workers to recognize and address women’s needs.
- › Give women the option of registering separately and obtaining separate ID cards.
- › Utilize gender-disaggregated data to identify the socio-economic profile of groups.
- › Allocate special funds for women and provide financial assistance to women combatants and associates separately from their male family members.
- › Inform women of benefits available to them and their legal rights.
- › Protect women from gender-based violence within sites and during transport home.
- › Recruit and train women ex-combatants for positions in the police and security forces.
- › disabled, and traumatized ex-combatants and other returnees so that women in the community are not overburdened with care-giving work.
- › Develop innovative economic support systems that benefit women. Establish women only programs to encourage economic and political participation, and provide childcare to allow for women’s participation in programs.
- › Offer community awareness raising programs with specific efforts directed towards women, to provide information and education about the DDR process.

## CONCLUSION

In conclusion, we recommend that the parties:

1. Increase the participation, involvement and inclusion of women at all levels in matters of peacebuilding, conflict resolution and security.
2. Enhance participation, active involvement and inclusion of women in national development initiatives such as the implementation of the PRDP, PEAP and Economic Empowerment Development Fund.
3. Provide adequate funding for women’s participation in the ongoing Juba Peace Initiative, including subsequent interventions and outcomes.
  - a. *Recognize women’s role as provided for under resolution 1325 (2000) as key partners in matters of security, peacemaking and conflict resolution within the communities, at the household and national levels.*
  - b. *Prepare women to engage in the implementation of resolution 1325 (2000) at all levels right from the household, community, grassroots and national levels.*

### b. Reintegration

- › Establish secure centers for victims of domestic violence and abuse.
- › Provide access to legal aid for women to combat discrimination.
- › Provide basic care and education and skills training for women emerging from fighting forces. Provide a transitional safety net to help resettled women with housing, healthcare and counseling, and offer educational support.
- › Provide support to look after wounded

4. Put in place mechanisms at all levels for the protection of women and girls from Sexual and Gender Based Violence. This would require:
  - a. *Assessment of Institutional, regulatory/policy and legal frameworks to ensure their responsiveness to women's issues.*
5. Support and build capacity of women in their peacebuilding efforts especially at the grassroots levels.
  - a. *Fund women's initiatives.*
  - b. *Strengthen synergies and cohesion between national and grassroots organizations.*
6. Treat the financing for women's specific and gender concerns as a priority in the promotion and advancement of women's participation within the context of resolution 1325 (2000).
7. Enhance security for women at all levels especially in conflict affected areas.
  - a. *Security of persons.*
  - b. *Security of property.*
  - c. *Addressing the rights of women to secure environment.*
8. Institute monitoring and accountability mechanisms taking into consideration the gender factor.
9. Ensure that outcomes of all the Agenda items in the ongoing Juba peace talks address incorporate gender and women specific concerns.

Ensure that all protocols and the implementation framework of the Comprehensive Peace Agreement include women's issues and provide for women's participation in the implementation processes.



Endnotes:

- 1 'Women's Participation in Peace Negotiations: Connections Between Presence and Influence,' New York: UNIFEM, 2010.
- 2 United Nations Security Council resolution 1325, S/RES/1325, 31 October 2000.
- 3 A first version of this note was developed for the June–July 2010 United Nations 'Open Days on Women, Peace and Security.' These meetings between women peace activists and senior UN leaders in conflict-affected countries provided a space for women to express their views on means of resolving conflict and building peace more effectively. The first version of this note was intended to support women peace activists and civil society organizations (CSOs) in identifying issues of common concern and proposing actions for consideration in order to improve international, regional and national efforts to protect women and promote peace. See the report from the Open Days: 'Women Count for Peace: The 2010 Open Days for Women, Peace and Security,' UNIFEM, DPKO, UNDP and DPA, September 2010.
- 4 See <http://www.un.org/peace/peacebuilding/>.
- 5 See <http://www.unpbf.org/index.shtml>.
- 6 'Guidelines on Gender-Based Violence Interventions in Humanitarian Settings,' Inter-Agency Standing Committee (IASC), accessed 30 August 2010, [http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-subsidi-tf\\_gender-gbv](http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-subsidi-tf_gender-gbv).
- 7 See <http://www.stoprapenow.org/>.
- 8 See 'Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers?' Summary of the Wilton Park Conference, Sussex, UK, 27–29 May 2008, available in this collection and online: [http://www.unifem.org/news\\_events/event\\_detail.php?EventID=175](http://www.unifem.org/news_events/event_detail.php?EventID=175).
- 9 BBC, 'Afghan Women Worried by Taliban Plan,' BBC Today Programme video, 4:28, 27 January 2010, [http://news.bbc.co.uk/today/hi/today/newsid\\_8482000/8482438.stm](http://news.bbc.co.uk/today/hi/today/newsid_8482000/8482438.stm); Avril Ormsby, 'Afghan Women Warn Against Possible Deal With Taliban,' Reuters, 27 January 2010, accessed 31 August 2010, <http://www.alertnet.org/thenews/newsdesk/LDE60Q1NG.htm>.
- 10 See [http://www.huntalternatives.org/pages/8258\\_afghan\\_women\\_share\\_recommendations\\_with\\_international\\_donors.cfm](http://www.huntalternatives.org/pages/8258_afghan_women_share_recommendations_with_international_donors.cfm)
- 11 Source: [www.peacewomen.org/resources/Sudan/Womens\\_Priorities.doc](http://www.peacewomen.org/resources/Sudan/Womens_Priorities.doc)
- 12 Source: [http://www.unicef.org/sowc07/docs/sowc07\\_panel\\_4\\_3.pdf](http://www.unicef.org/sowc07/docs/sowc07_panel_4_3.pdf)
- 13 While the majority insisted on this formulation, there was a minority that would have preferred 'violence against women in all its forms'.
- 14 Source: Uganda Women's Coalition for Peace Five Point Agenda, 2006







# Gender and Conflict Analysis

**1325**  
**WOMEN**  
**COUNT**  
**+10 FOR**  
**PEACE**

United Nations  
Development Fund for Women  
**UNIFEM**  
part of UN Women



PHOTO: UN PHOTO/JOHN ISAAC

# Policy Briefing Paper

## Gender and Conflict Analysis

On the cover: An elderly woman coming out of a destroyed building in Vukovar. 04 September 1992, Vukovar, Croatia

The document was written by Anne Marie Goetz and Anne-Kristin Treiber based on background UNIFEM documents reporting on gender and conflict early warning systems in Colombia, Ferghana Valley, and the Solomon Islands.

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# Overview

**In recent years a number of United Nations organizations have developed conflict assessment and analysis frameworks to enhance their operations in conflict-sensitive areas.** However, few conflict monitoring and assessment frameworks to date consider gender relations and gender inequality as triggers or dynamics of conflict. Effective conflict prevention and resolution require analysis of the causes, triggers, dynamics and patterns of conflict, as well as the factors and social dynamics that strengthen community's resilience to conflict. Early analysis and ongoing monitoring are essential for anticipating conflict and for transforming conflict dynamics so that social groups committed to non-violent conflict resolution can be supported. The United Nations Development Fund for Women (UNIFEM), in the course of supporting the implementation of Security Council resolution 1325 (2000) on women, peace and security, has demonstrated that bringing a gender lens to conflict analysis, monitoring and transformative responses can make a significant contribution to conflict prevention. This briefing note outlines basic elements of gender-sensitive conflict analysis. It shares findings from three pilot projects on gender-sensitive conflict monitoring conducted by UNIFEM in the Ferghana Valley, Colombia and the Solomon Islands.

## Gender and conflict analysis

As a starting point, this briefing paper uses the conflict development analysis framework of the United Nations Development Programme (UNDP),<sup>1</sup> which shares with other conflict analysis models<sup>2</sup> three major elements:

- » Analyzing context (actors, causes and capabilities);
- » Understanding the dynamics of conflicts as they unfold (scenario-building to assess trends); and
- » Making strategic choices about remedies and responses (with a stress on institutionalizing non-violent means of resolving future conflicts).

The key to incorporating a gender perspective to this framework is to begin with a context-specific analysis of gender relations and to ask how gender relations shape the ways in which

women engage in, are affected by and seek to resolve conflict.

### Context analysis

Gender relations intersect with the many other lines of social cleavage, such as class, race, ethnicity, age and geographical location, to determine the major actors in a conflict and the relative capabilities of different actors to intensify or resolve conflict.

### Actors

Women may be combatants, or they may provide services to combatants. They certainly number significantly among those afflicted by physical harm and loss of property. Gender relations shape the specific form this harm takes: women are far more likely than men, for instance, to be subject to sexual violence. Yet, the tendency to see women primarily as *victims* of violence—particularly sexual violence—has obscured the

many other roles women play in provoking and pursuing conflict or building peace.

When engaging major actors in a conflict in negotiation and resolution efforts, it is essential to involve women because their different experiences give them different perspectives on the social and economic ills to be addressed in any peace accord and in post-conflict governance arrangements.

### Causes

It is common to distinguish between three types of cause of conflict: the root **structural factors** (systematic political exclusion, demographic shifts, economic inequalities, economic decline and ecological degradation), the **catalysts or triggers** (assassinations, military coups, election fraud, corruption scandals, human rights violations) and the **manifestations** (surface explanations, means by which conflict is pursued).

- » Gender relations, however profoundly unequal and unjust, are **rarely the root cause** of violent social conflict (see at right).
- » Gender-based injustices against women or men, on the other hand, **can sometimes be a catalyst for conflict**. For instance, systematic abuse of women by men of a rival class, race or ethnic group can trigger violent defensive reactions.
- » Gender-based injustices figure as **one of the significant manifestations of conflict**. The systematic use of rape and other forms of sexual violence as a means of prosecuting war has been observed in many conflicts, notably in the genocidal conflicts in the Balkans; in Rwanda and Burundi; in Darfur, Sudan; and in Eastern Democratic Republic of Congo.

It is essential not to confuse manifestations or triggers of conflict with actual causes. In Afghanistan, for instance, Taliban treatment of women attracted international condemnation, though it was not the cause of the eventual international intervention. In the post-Taliban

period, improving women's status has been a goal zealously pursued by a range of international actors. This is an essential and worthy project, but it should not be assumed that this will address the root causes of conflict in the country.

### Gender dimensions of structural causes of conflict

Almost all of the commonly listed structural causes of conflict have a gender dimension that should be monitored. The following is a list of most noted root causes along with some of the corresponding gender issues:

- » History of armed conflict: legacies of previous wars, e.g., children of rape, widowed women, orphans;
- » Governance and political instability: women's exclusion from public decision-making, corruption as it affects women differently from men;
- » Militarization: spending on armies reducing resources for social services;
- » Population heterogeneity: communal/separatist mobilization, gender expression of ethnic difference;
- » Demographic stress: unemployed young men, infant mortality;
- » Economic performance: unformalization is associated with more women in badly paid jobs and in the informal sector;
- » Human development: high maternal mortality rate, women's unmet expectations about education and health;
- » Environmental stress: women's access to water and arable land;
- » Cultural influences: cultural practices restricting women and valuing hyper-masculinity in men;
- » International linkages: trafficking in women, few links to international arena mean fewer chances of implementation of the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), or else women's rights seem culturally alien.

### Dynamics

Analyses of conflict dynamics track the changing influence of different actors and the factors that strengthen



the hands of mediators and change agents. UNIFEM stresses the transformative role many women play in urging an end to conflict, in mobilizing social movements for peace and in building social reconciliation after conflicts. Another significant dynamic of conflict is the way it can transform gender relations. Women may acquire unaccustomed social and political leadership roles when they are left in charge of communities when men leave to fight. Alternatively, female combatants may experience an unaccustomed degree of social equality in various military groups. This has been a characteristic of long-entrenched conflicts such as the Vietnam War, the conflict between Ethiopia and Eritrea, and peasant insurgencies in South Asia, and is reflected in combatants' egalitarian marriage arrangements or leadership roles. After a conflict there is an understandable desire to return to normal life, but this can mean a reversion to previously unequal gender relations. In many contexts, women's rights advocates have resisted this and have sought to institutionalize the social and political gains made in wartime.

### Strategic responses

The urgent often drives out the important in peace negotiations and in decisions about post-conflict governance and development priorities. The need to end the violence can often mean placating belligerent parties with important concessions like land and natural resource exploitation rights, or governance systems that reserve representative positions for minority voices or that give autonomy to aggrieved regions. These responses can sometimes undermine women's rights or erode gains made in gender relations, for instance when certain groups are empowered to expand their customary legal systems, or to revive traditional local-level clan or kin-based governing systems, as a means of recognizing their cultural autonomy. In consequence, crimes of sexual violence can go unpunished, or women's poverty can worsen when they are left out of land reform. Strategic responses, therefore,

should aim to respond to women's practical, immediate needs and, at the same time, challenge the gender-based inequalities that prevent women from taking public decision-making roles that would enable them to contribute to long-term conflict prevention.

## Gender and conflict monitoring

### The essentials

Conflict monitoring systems involve data-gathering and analysis to study and predict conflict. There is a growing interest in linking macro-level structural data to information generated at a community level through participatory means. Gender-sensitive conflict monitoring systems use:

- » information **about** women and men, and gender relations, and
- » information **from** women and men

to understand conflict dynamics, identify actors and processes that would prevent conflict, and build peace in a gender-sensitive way.

### Key assumptions

- » The focus on information **about** women, men and gender relations implies an understanding that tensions in gender relations (gender-based violence [GBV], rapid changes in marital relations in ways that harm women's sexual or property rights, or radicalization of unemployed men) can add to our understanding about the structural causes of conflict, the triggers of conflict, or the manifestations of a past or ongoing conflict. This information also highlights the varying capabilities of women and men to engage in conflict prevention.
- » The focus on generating information **from** women and men separately implies an understanding that women, because of their structurally different position from men—even within the same race, class or ethnic group—perceive social, economic, environmental, and political changes somewhat

differently from men, and react differently to certain social phenomena. They might, for instance, react with greater alarm at an increase in domestic violence and understand this to be related to a sudden rise in the availability of small arms. Men, likewise, may have awareness about conflict-provoking social and political processes in arenas not accessible to women, for instance in all-male traditional governing tribunals.

#### Method

Space constraints forbid a detailed review of the methodology employed in each UNIFEM conflict-monitoring pilot, so just the Solomon Islands approach is reviewed here. The 2005 pilot project in the Solomon Islands used three different surveys to generate data on 46 indicators that had been identified in participatory and consultative processes. The surveys employed a number of instruments:

- » *Self-monitoring templates* were completed by the 20 male and female project participants, who were trained in monitoring peace and conflict indicators at the community level;
- » *Community surveys* were carried out among

200 respondents in the five communities where the project operated;

- » *National surveys* were conducted among 200 'informed specialists' (staff of non-governmental organizations [NGOs], religious authorities, Government personnel and international agency staff).
- » Additional forms of non-indicator-based data included sex-segregated focus group discussions at the community level, a structured data set compiled with national statistics, and a daily media scan of the local newspaper.

To emphasize the conflict prevention aspect of the work, a set of 'response options' for each of the 46 indicators was developed simultaneously with the data-gathering process. Participants reviewed a matrix showing each indicator and its color-coded 'risk level,' as indicated by the surveys. Participants then contributed ideas for policy and practice responses at the community level, i.e., initiatives that communities themselves could undertake, as well as proposals for the national level, including policies for Government, national NGOs, churches and donors.



The 1992 conflict between the Ingush and Osset ethnic groups led to ethnic cleansing and widespread destruction of housing. This woman sits in her severely damaged, bullet-riddled home. 01 January 1997, North Ossetia, Russian Federation  
UN Photo/T Bolstad

## Gender-differentiated indicators of conflict

Gender differences emerged in the divergent 'risk level' assigned by women and men to the same types of indicators. The box below highlights some of the most important indicators to which women and men assigned differential weights:

### Factors associated with conflict given more weight

#### By men:

- » Male youth unemployment: Destabilizing factor during the tensions, as unemployed male youths used compensation demands as a means of gaining cash incomes. Increased criminal activity is still associated with unemployed young male school drop-outs.
- » Incidence of crime: Especially linked to male youth unemployment. Crime is seen to be on the increase in Honiara, and as becoming more violent.
- » Trust between ethnic groups: Linked to prevalent negative stereotypes about different ethnic groups and to strong in-group identification, especially among men. This played a significant role in fuelling violent conflict in the past.

#### By women:

- » Avoidance of markets and/or gardens due to fear: It is generally women who walk to remote gardens or take produce to markets. During the actual tension and violence (1998–2003), women were too afraid to carry out this work, which in turn reduced food security and cash income.
- » Fear of reprisal from prisoners: An issue highlighted by women, with evidence that women are being threatened and subjected to retribution from men released from prison over crimes related to the 1998–2003 conflict.
- » Informal negative discourse: Significant prior to and during the tensions. A gendered issue, as women admitted to spreading stories during the tensions that they felt may have fuelled conflicts.
- » Marriage break-ups: Incidence of marriage break-ups rose significantly during the tensions and is associated with alcohol abuse and with the increasing incidence of second wives or mistresses. This is perceived as a high-risk indicator by women, but not by men.

## Gender-based violence: A key indicator

GBV was identified decisively by women as a key indicator of conflict in all three of the UNIFEM pilot studies. Heightened levels of GBV are both interpreted to signify a breakdown of social controls and recognized as one of the legacies of violent conflict. Obtaining comparable GBV data is extremely difficult for four main reasons

- » Lack of an international agreed framework: Conceptually, the definition of GBV varies greatly within countries, from very narrow definitions including only physical and sexual violence to broader frameworks that consider emotional and economic violence.
- » Individual understanding of GBV varies greatly: Factors that influence an individual's understanding of GBV include tradition, level of education, economic background, ethnicity, and so on. This could be addressed, however, by educating participant interviewees.
- » GBV information is particularly sensitive: Collecting information on this issue requires a high level of trust from women survivors, who tend to feel ashamed, guilty and sometimes afraid of communicating. Special methodologies and provision of coping mechanisms are required to reduce this problem, but the result will tend to be biased as long as GBV continues to be stigmatized.
- » Collecting data on GBV is expensive: This is a direct result of the special requirements, including culturally specific design of instruments and survey methodologies and highly trained interviewers, among others.

These difficulties should not prevent efforts to improve data collection on GBV. Moreover, although measuring people's perceptions of increases in GBV will not yield a comparable measure of the magnitude of the problem, it can serve as an important indicator of changes in perceived generalized violence, and quite possibly as an indicator of actual increase of violence that is not yet visible in the public sphere.

The gender-specific indicators of conflict identified in the Solomon Islands are highly specific to context and culture. This is precisely what makes them valuable as a sensitive conflict-monitoring tool. Similarly, in the Ferghana Valley 2005 pilot, indicators derived from focus group work were highly sensitive to the evolving manifestations of conflict in the three-country region, and to its root causes. Women and men, for instance, identified the growing influence of religious organizations on unemployed male youth as a worrying sign. They also identified emigration as an indicator of the deepening economic crisis of the region, as well as lack of access to water for cultivation. In the 2004–2005 pilot in Colombia, which was centred on the two Departments of Cauca and

Bolivar, indicators were derived to focus specifically on the two categories of concern raised by women themselves: domestic violence and the situation of internally displaced women.

## Building women's capacities for conflict prevention

Community-based participatory conflict-monitoring systems such as those piloted by UNIFEM serve an important function beyond the collection and analysis of data. They become, in effect, a social resource for the prevention of conflict. In the Solomon Islands and Colombia, the capacity of women's peace organizations has been built, not just through developing skills in data gathering and analysis, but by establishing

communication channels with public authorities. In Colombia, for instance, the women's organizations in Cauca and Bolivar were able to input their concerns about gender-based violence to the Government's Early Warning System. Connections between women's organizations and national security systems, decision-makers and media are not always possible, of course, particularly where the citizen-State relationship is tense. In such contexts, conflict monitoring must proceed with caution.

### **Building system capacity for gender-sensitive conflict monitoring**

A positive engagement by national authorities is essential for the effectiveness of gender-sensitive conflict monitoring for several reasons. First, without a positive engagement from the national authorities, conflict monitoring may expose participants to unwarranted danger. Second, those who engage in any participatory exercise must

be able to see that their energies are not wasted, but that they result in changed knowledge and actions by policy-makers. In Colombia, the project's results were presented to the Organization of American States Conflict Prevention Office and were used to support efforts to mainstream gendered conflict analysis by the Office for the Coordination of Humanitarian Affairs, the Office of the UN High Commissioner for Human Rights, and other UN agencies active in the country. In the Solomon Islands, the National Peace Council was strongly committed to its partnership role in the project and on this basis promoted a gendered conflict prevention project. Some national and international organizations used the data and response options to inform strategic planning processes (Save the Children, Department of National Unity Reconciliation and Peace, OXFAM). Indeed, the head of the peacekeeping mission saw the pilot work as "the only diagnostic tool available."



A United Nations Transitional Administration in East Timor (UNTAET) peacekeeper plays with a young child in Hera. 2/Mar/2000. Hera, East Timor. UN Photo/Eskinder Debebe.

#### ENDNOTES:

- 1 Conflict-Related Development Analysis, United Nations Development Programme, October 2003.
- 2 For instance, the Strategic Conflict Assessment model of the UK Department for International Development.









# Women Building Peace and Preventing Sexual Violence



**525** WOMEN  
**3** COUNT  
**+10** FOR  
**1** PEACE

United Nations  
Development Fund for Women  
**UNIFEM**  
part of UN Women



# Women Building Peace and Preventing Sexual Violence in Conflict-affected contexts

On the cover: Women representative of the local civil society, rejoice at the signing of the peace accord between the representatives of the rebel movements and the government of the Democratic Republic of the Congo to end fighting in the east of the country. 23 January 2008, Goma, Democratic Republic of the Congo

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# Executive summary

## Context

Women's engagement in peacebuilding is recognized by many international institutions as a crucial element of recovery and conflict prevention—a fact reflected in Security Council resolution 1325 (2000), which commits the United Nations (UN) and its Member States to engaging women in conflict prevention and peacebuilding. The serious threat of sexual and gender-based violence (SGBV) during and after armed conflict is also recognized by the UN, as well as at the national level through national plans of action on SGBV.

However, despite elaborate international and national policy frameworks, women around the world face enormous challenges to their participation in peacebuilding processes and in translating legal instruments into real rights and concrete change. Furthermore, women's ability to effectively influence peacebuilding processes is often compromised by the threat or the actual experience of SGBV, which commonly escalates during and after armed conflicts. These experiences suggest that, while normative frameworks are crucial, resolution 1325 (2000) cannot be fully and effectively implemented without attention to action at the community level. It is therefore important to recognize that women are in fact already engaging in community-based initiatives relevant to resolution 1325 (2000), and that these need to be better understood so that they can be supported more effectively.

The United Nations Development Fund for Women (UNIFEM) has been directly tackling the challenge of implementing resolution 1325 (2000) at the community level in order to build women's engagement in peacebuilding and public decision-making, and to protect women and children

in communities around the world. The present paper is a background review of community-based peacebuilding initiatives. It is intended to inform UNIFEM's programme 'Supporting Women's Engagement in Peacebuilding and Preventing Sexual Violence in Conflict: Community-Led Approaches.' This programme is supported by the UK Department for International Development (DFID) with the aim of supporting initiatives like the ones described below in six very different contexts: the Islamic Republic of Afghanistan, the Republic of Haiti, the Republic of Liberia, the Republic of Rwanda, the Democratic Republic of Timor-Leste and the Republic of Uganda. UNIFEM and its partners hope that this programme will help identify effective means of addressing the array of challenges faced by women at the community level, and of discovering some of the successful strategies that can embrace women's engagement in peacebuilding and protect women's rights in different post-conflict contexts.

Each of the following thematic sections examines the barriers women face and highlights examples of women's successful engagement in peacebuilding that were selected on the basis of being simple, yet innovative and explicitly community-based:

- 1. Peacebuilding and conflict-resolution initiatives:** At the community level, women face significant obstacles to engagement in peacebuilding processes, including exclusion from male-dominated decision-making forums, lack of funding, exclusion from formal peacebuilding processes, resistance to initiatives that challenge cultural traditions, and security risks. Successful approaches implemented by women include coalition-building, promoting the use of digital technologies and new funding mechanisms, and efforts that combine traditional and modern conflict resolution approaches and strive to facilitate women's participation in local decision-making processes.
- 2. Reconciliation mechanisms:** Reconciliation mechanisms often function in parallel to other peacebuilding processes, combining an emphasis on justice with a process of healing, respect and creating a longer-term culture of peace among parties in conflict. Barriers to reconciliation include the erosion of social capital and a lack of trust within and among communities. Women have used community-based initiatives to create new 'social contracts,' facilitate community exchanges and engage in public advocacy for peace.
- 3. Increasing access to justice:** Women commonly face barriers in their access to justice in the after-math of armed conflict. This may be because legal services have simply not yet been restored; be-because patriarchal attitudes and structures actively exclude women from traditional justice systems; or due to a lack of basic services accessible to women. Successful community-based initiatives include making traditional justice mechanisms more gender sensitive, providing community-based legal support, and working with the police.

- 4. Access to support services:** In post-conflict settings, women's access to support services can be severely constrained. The infrastructure of health clinics may have been destroyed; personnel may have been displaced; and materials may have been lost. Women are affected by multiple issues: both armed conflict and SGBV affect women's physical and psychological health, their legal rights and their capacity to earn an income. As such, many initiatives that aim to increase women's access to support services need to use a multisectoral approach.
- 5. Awareness-raising and attitudinal change:** Two key challenges to gender-sensitive conflict resolution are the lack of access to information and entrenched social attitudes and gender biases. Community members may be unaware of the gender dimensions of conflict, of women's human rights and SGBV violations, or of the presence of conflict-prevention activities. This lack of awareness is linked to attitudes that enable both conflict and SGBV.
- 6. Conflict-monitoring systems:** Signs of serious inequalities in gender relations—including SGBV—are not considered to be important warning signs of conflict. Nor are women's perceptions of subtle changes in community relations, the flow of arms or the numbers of disaffected youth in communities recorded in conflict-analysis processes. However, conflict analysis, monitoring and early warning are all significantly enhanced with a gender-sensitive approach: aspects of conflict that might not otherwise be detected are exposed when women's experience of conflict is addressed.
- 7. Making communities safer:** Some features of the physical environment of communities can make women more vulnerable to violence. For example, the design of the physical space can make activities such as using latrines or walking after dark unsafe for women. Changes in the security environment

of communities—caused, for instance, by the proliferation of small arms—also compromise women’s safety. Effective means of making communities safer include enabling women to better protect themselves from violence and reducing the opportunities for perpetrators to commit acts of violence against women.

## Conclusions

A number of common threads emerge throughout the cases discussed in this paper. In some cases, women’s initiatives are challenging and transforming the nature of dominant institutions and identities. Many of the case studies demonstrate a strategic use of gender roles, with women often choosing to use approaches that are readily accessible to them in their daily lives and capitalizing on the commonly-held images of women as peacemakers. The approaches accessible to women are, in most cases, small-scale and informal, and, as the examples below illustrate, women must act carefully to avoid community backlash. Yet, notwithstanding these significant obstacles, the successful strategies highlighted in this paper underscore the importance of community-based initiatives in implementing resolution 1325 (2000) and creating a lasting peace.

Perhaps most of all, however, the examples documented here suggest that the long-term effectiveness of community-based approaches to bringing peace and security for women and men, girls and boys, cannot be isolated from national-level and international efforts to implement resolution 1325 (2000).

National and international mechanisms to ensure accountability for implementing this binding resolution are needed in order to reinforce the impact of community-level work. For instance, monitoring and reporting systems are needed to ensure that all relevant actors are translating resolution 1325 (2000) into concrete efforts to

prevent violence against women, ensure women’s participation in peacebuilding and post-conflict governance, and ensure a gender perspective in national, regional and international development and security planning. The role of these mechanisms must be to ensure that existing international and national policy frameworks translate into real change in women’s lives, and that women’s efforts at the community level are recognized and supported at both national and international levels.

While community-based approaches play an essential part in peacebuilding efforts, they cannot on their own stem the overwhelming tide of sexual violence in conflict, nor stop the systematic use of sexual violence as a weapon of war. The effectiveness of community-based approaches ultimately depends on a broader recognition of the ways in which violence against women undermines both peacebuilding efforts at the national level and international security more generally. As the examples in the following report illustrate, peacebuilding begins at the community level, but it cannot end there.

# Introduction

**Women’s engagement in peacebuilding processes is recognized by many international security and governance institutions as a crucial element of long-term recovery and conflict prevention—a fact reflected in Security Council resolution 1325 (2000), passed in October 2000,<sup>1</sup> which commits the United Nations (UN) and its Member States to engaging women in conflict prevention and peacebuilding.** The serious threat of sexual gender-based violence (SGBV) during and after armed conflict is also recognized by the UN—for example through the Stop Rape Now campaign<sup>2</sup>—as well as at the national level through national action plans on SGBV.

However, despite widespread recognition of their contributions, women around the world face enormous challenges to their participation in peacebuilding processes, whether at the local, national or international levels. One of the most important challenges is the social resistance women face when attempting to take on new public roles. Furthermore, their ability effectively to influence peacebuilding processes can be compromised by the threat or the actual experience of SGBV, which commonly escalates during and after armed conflicts.

While there are many cases where women’s rights and priorities have been incorporated both into peace agreements and into post-conflict legal and political reforms, changes in policy and legislation at the national level have not necessarily translated into better access to decision-making processes for women, nor have they ensured that women enjoy increased protection from violence. International and national changes in legislation and policy are often not reflected in women’s daily lives.

There are even more significant challenges associated with women’s empowerment and their ability to engage in peacebuilding processes at

the community level. Women may face resistance to their engagement in decision-making from formal and informal sources, including community members and their own families; in many cases it is extremely difficult to go against traditional practices without inspiring backlash and outright obstruction. Furthermore, challenges are often compounded by women’s lack of access to justice mechanisms and support services for survivors of SGBV.

Community-based initiatives are often overlooked or ignored in favour of international and national-level work on resolution 1325 (2000). While this high-profile work is crucial, resolution 1325 (2000) cannot be fully and effectively implemented without attention to action at the community level. It is therefore important to recognize that women are in fact already engaging in community-based initiatives relevant to the implementation of resolution 1325 (2000), and that these need to be better understood so that they can be supported more effectively.

**Table 1. Obstacles and solutions to women’s engagement in community-led peacebuilding and prevention of SGBV**

Obstacles faced by women	Innovative solutions
Divergence of opinion among diverse groups of women	Building united networks and coalitions
Exclusion from formal peacebuilding processes	Innovation in informal peacebuilding
Exclusion from male-dominated decision-making forums	Innovative efforts to facilitate women’s participation in local decision-making
Lack of sustained funding	<ul style="list-style-type: none"> <li>- Funding mechanisms for small grants</li> <li>- Using new low-cost digital technologies</li> </ul>
Resistance to challenging women’s exclusion from traditional dispute	Combining traditional and modern mediation techniques
Risks to physical safety	<ul style="list-style-type: none"> <li>- Reducing the proliferation of small arms</li> <li>- Changing the physical environment</li> </ul>
Eroded trust and social capital	- New ‘social contracts’
Fear and/or hatred of ‘the other’	Community exchanges
Community voices excluded from the public sphere	Public advocacy for peace
Lack of general knowledge about legal rights	Legal aid programmes
Unwillingness to report SGBV to police	Specialized SGBV police units
Patriarchal and non-gender sensitive traditional justice mechanisms	Transforming traditional justice mechanisms
Lack of access to support services for victims of conflict and of SGBV	Multisectoral support services
Gender roles that encourage male violence and enforce patriarchal attitudes	Challenging existing gender roles and patriarchal power structures
Lack of access to information	Communication through radio and theatre
Women and gender issues excluded from conflict monitoring	Gender-sensitive conflict monitoring systems

How can some of these obstacles be overcome? What are practical ways of promoting women's peacebuilding and SGBV prevention at the community level, and how can these be better supported? The United Nations Development Fund for Women (UNIFEM) is addressing this issue through a programme entitled 'Supporting Women's Engagement in Peacebuilding and Preventing Sexual Violence in Conflict: Community-Led Approaches', a two-year initiative, launched in April 2007 and funded through a \$6.5 million grant from the United Kingdom's Department for International Development (DFID).

This paper provides a review of successful approaches to women's engagement in peacebuilding and preventing SGBV in conflict-affected communities around the world. Each section and issue begins with an analysis of the relevant obstacles faced by women, which is followed by one or two case studies relating either to peacebuilding or to the prevention of SGBV (see Table 1).

The examples of women's engagement in conflict resolution or the prevention of SGBV examined in this paper have been selected on the basis of being simple yet innovative, and because they are explicitly community-based. There are relatively few case studies available that fulfill these criteria—and even fewer data on the impact of such initiatives—which is another reason why UNIFEM has undertaken to address these issues in a systematic way. The case studies here are drawn from both a desk review and field visits. They include peacebuilding and conflict-resolution initiatives; reconciliation mechanisms; studies focusing on access to justice and support services; awareness-raising and attitudinal change campaigns; conflict-monitoring systems; and initiatives aimed at making communities safer.

# 1. Peacebuilding and conflict-resolution initiatives

**At the community level, women are often very active in peacebuilding processes such as mediation and conflict transformation—mostly on a voluntary basis.** They usually face enormous challenges to their engagement, including a lack of consensus among diverse groups of women; exclusion from male-dominated decision-making forums; lack of funding; exclusion from formal peacebuilding processes; resistance to changing cultural traditions; and ongoing security risks.

Important approaches implemented by women in this area include coalition-building, promoting the use of new digital technologies, identifying new funding mechanisms, combining traditional and modern approaches, and innovative efforts to facilitate women's participation in local decision-making processes.

## **Building successful coalitions**

Women peacebuilders hold multiple perspectives and ideologies. There are many civil society orga-

nizations (CSOs) working at the community and national levels, each with different constituents, objectives and interests, and at times representing different sides of the conflict; uniting these organizations into coordinated networks can be challenging. At the same time, it can also be a very empowering process for women to engage in peacebuilding as part of a coordinated movement.



One example of successful coalition-building is the 'Women's Initiatives for Peace' project in Colombia. The aim of the project was to create a women's agenda for peace, which could contribute to the national peace agenda. To achieve this aim, the project developed a methodology for reaching consensus and creating a 'women's movement for peace' that brought together 22 CSOs and trade unions between 2002 and 2004, with financial support from the Swedish International Development Agency.<sup>6</sup> The women's diverse political, ideological and experiential perspectives made this a challenging task, but the consensus-building methodology relied on participatory tools across two distinct, interlinked stages: consensus was first reached within small groups, either by general verbal agreement or by brainstorming and ranking key issues. Small-group decisions were then taken to the plenary where the entire group voted. Two analytical concepts were critical: first, there was collective agreement that the basic issue uniting all Colombian women was their 'exclusion.' Second, a distinction was made between a 'basic agenda' around which all Colombian women could rally, and a 'maximum agenda' that provides space for diversity on the basis of issues such as ethnicity, race, class or age.

The success of this methodology is illustrated by the fact that at a national meeting of 300 women, the participants were able to select twelve basic agenda points from an initial 600 proposals. These included the need to establish public policy on women's human rights in order to promote a culture of non-violence and respect for diversity; democratic agrarian reform with an ethnic and gender perspective; and the direct and autonomous participation of women's organizations in national and local political dialogue around conflict. The 12 proposals were signed in the National Senate by representatives of the 22 organizations that were part of the movement.

## Definitions

**Peacebuilding** involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development. Peacebuilding strategies must be coherent and tailored to the specific needs of the country concerned; must be based on national ownership; and should comprise a carefully prioritized, sequenced and therefore relatively narrow set of activities aimed at achieving the above objectives.<sup>3</sup>

In its article 1, CEDAW provides a definition of discrimination against women which includes "**gender-based violence**, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately."<sup>4</sup> There are many types of GBV, such as rape, torture, murder, beating, sexual exploitation, abuse by an intimate partner, forced marriage, forced prostitution and trafficking. GBV may be physical, psychological, and sexual. According to UNIFEM, **sexual gender-based violence** may be defined as "violent behaviour that is linked to sex, whose compelling forces are related to family, economic, social, and cultural precedents that encourage unequal power relationships between men and women, conferring an attitude of superiority and domination on the perpetrator and an attitude of subordination on the victim."<sup>5</sup>

## Participating in local decision-making processes

Women often face obstacles to gathering and collectively deliberating about their concerns and problems. These obstacles are further compounded when women attempt to present their views in local decision-making forums, especially at the community level, where local councils are dominated by local male elites. During the post-conflict period, however, when processes of democratic governance are being rebuilt, or in many cases established for the first time, it is particularly important for women to be part of the dialogue.

Efforts to increase women's participation in decision-making processes have focused on establishing forums for deliberation among women, as well as channels to relay women's views and concerns to decision-making bodies. One such initiative in Bosnia and Herzegovina facilitates open meetings between a women's centre and the municipality. Called 'Coffees with the Mayor,' the weekly meetings have been facilitated by the organization *Lara* since 2001, and involve inviting representatives from the municipality to come to the women's centre to answer questions from women and listen to their concerns.<sup>7</sup> Initially, the meetings took place on Wednesdays: Wednesdays were 'sports evenings' for men, which gave women the time and space to gather. The meetings have given women a chance not only to speak directly to politicians and government representatives, but also to feel that they can hold their elected officials to account through regular face-to-face meetings.

Several campaigns and protests have taken place as a result of these meetings. In addition, the dialogues have become such an important platform for citizen mobilization that municipal politicians themselves seek out the opportunity to participate. This level of attention is a sign of how significant women have become to community decision-making and conflict-resolution, and it would not have been possible without the structured—yet informal—access to local decision-makers that was facilitated by *Lara*. Unfortunately, the precise impact of this programme remains difficult to assess in the absence of evaluation data.

### **Funding mechanisms**

One of the fundamental obstacles to women's involvement in peacebuilding is the lack of sustained funding sources for women's community-based organizations. In the immediate aftermath of conflict, there may be an influx of donor funds (in such cases the competition among local



Literacy class graduation for internally displaced women and girls in Afghanistan. The classes are provided by a local women's NGO, supported by UNIFEM. (Photo: Annalise Moser/UNIFEM)

organizations vying for support can be fierce). However, these funding sources typically dry up once the initial reconstruction phase has passed, often leaving women's peacebuilding efforts with no support, or forcing them constantly to focus on finding alternative and short-term funding options. A longer-term mechanism for funding women's community-based initiatives is crucial to women's peacebuilding efforts.

To address this challenge, in Afghanistan and Haiti, UNIFEM has established funding mechanisms to provide small grants to women's community-based organizations. In Haiti, the Small Grants Mechanism is to provide grants of \$5,000 to \$20,000 to support both women's organizations and human rights organizations working at the community-level (particularly in rural areas) to provide critical services to women and children who are victims of violence, as well as community-based efforts to increase security and engage in conflict prevention (particularly in the areas of justice and security sector reform).<sup>8</sup> In Afghanistan, the Fund for Community-Based Responses to SGBV<sup>9</sup> supports grassroots CSOs in their efforts to promote community reconciliation, including participation in the peace *jirgas*; build women's capacities to take part in community decisions; prevent SGBV; and encourage respect for human rights (for instance, in customary dispute adjudication).

UNIFEM expects that the availability of financing for these community-level activities in Haiti and Afghanistan will reduce competition among women's CSOs; allow local organizations to access resources through a participatory and flexible funding mechanism; build capacity; and establish networks that promote collaboration among organizations working towards similar goals.

There are several key challenges to the effective implementation of small grants mechanisms. For example, it is necessary to balance the need for very small grants, on the one hand, with the as-

## Women's Peace Huts in Liberia

The Women's Peace Huts in Liberia are community-led peacebuilding groups, established by the Women in Peace Building Network and supported by UNIFEM.<sup>11</sup> The Peace Huts' success lies in their role in facilitating community mediation. The women meet on Thursday mornings, during which time they share information about problems and issues they have heard about in the community and plan actions to further investigate, publicize or resolve these issues. Community members come to the Peace Huts with problems to be solved, including difficult issues such as rape, as well as those related to land, religious differences and tribalism. The Peace Huts can serve as a refuge for women experiencing domestic violence, who can 'run to the Peace Huts' for safety. The women then bring together the husband and wife, and sometimes their families, to discuss the problem and find a solution.

Despite the innovations and successes of the Peace Huts, they do face a number of constraints. The extent to which the women engage in community decision-making and with local authorities varies. In one community, although the women repeatedly invited local leaders to join their weekly meetings, they never received a reply, and none of the leaders attended a meeting. Elsewhere, however, leaders came to the Peace Hut regularly and also called on the women to help mediate when there was a conflict in the community.

sociated high transaction costs, on the other. The process of identifying and vetting the right organizations and activities is crucial, as is providing both adequate support and monitoring and evaluation. These problems are not unfamiliar to organizations working to provide small grants to women's groups, like the Global Fund for Women, which has awarded over \$58 million to 3,450 women's organizations around the world since 1987.<sup>10</sup>

## **Innovative women's organizations working to build peace**

While women commonly lack access to formal peacebuilding processes, there are many examples of women working informally within their communities to resolve conflict and build peace. Such initiatives owe much of their effectiveness to their ability to gain respect among male and female community members, as well as to the innovations of local women's organizations.

The capacity of the women to respond appropriately to problems, their knowledge of women's human rights and their conflict resolution skills also vary considerably. Finally, the Peace Huts' minimal financial resources constrain their activities and create resistance within the women's own families, because they work without getting paid and go home without food for their children.

In Nepal, networks of district- and village-level peace volunteers—largely women coordinated by the Institute of Human Rights Communications (IHRICON)<sup>12</sup>—work with village groups, monitoring incidents of human rights abuse, confronting the perpetrators and publicizing these incidents through 'wall newspapers' (bulletins of hand-written local news appended in a public place). Village volunteers also raise funds and support people's income-generating projects.

IHRICON's women's programme is focused on Security Council resolution 1325 (2000), and the women organize discussions about its implications in Nepal. To achieve this effectively, IHRICON has adapted resolution 1325 (2000) for discussion within the village context, ensuring that the text incorporates simple and familiar language.

## **Incorporating traditional mediation practices**

During periods of upheaval and unrest, communities can be especially resistant to changing traditional practices. Introducing innovative approaches

to peacebuilding can be particularly challenging for women, as cultural traditions are often strongly defended by traditional leaders, who are frequently male. Incorporating traditional elements into a balanced and inclusive approach to mediation can therefore offer a non-threatening way to introduce change and innovation into communities.

The Peace and Democracy Foundation in Timor-Leste, for example, implements an innovative mediation programme that is grounded in traditional Timorese mediation practices.<sup>13</sup> Traditionally, community leaders coming together for conflict-resolution sessions are all men, but in the model launched by the Peace and Democracy Foundation, women leaders are included among the mediators. Traditional practices such as drinking wine or chewing betel nut are incorporated in the opening and closing sessions, where for example the parties whose conflict is being mediated may drink or eat together as a symbolic gesture. The actual mediation proceedings follow a balanced and inclusive approach wherein all parties are given equal time to present their perspectives. This model has been piloted in three districts, and women have been very active mediators, often being approached by community members to mediate disputes. Having women among the mediators results in more gender-sensitive rulings and appropriate outcomes for women. It is also possible that the use of traditional elements helps legitimize women's participation in the process.

## **Using digital technologies**

Digital technologies provide an unconventional but highly effective means of communication that can be employed by women working to end violence against women, build peace and prevent conflict. They are especially useful because they enable women to overcome obstacles such as lack of funds, security risks to activists and limited physical mobility owing to their domestic obligations.

Useful technologies include the Internet (web-

sites, chat rooms, blogs, Internet radio streaming, video streaming and podcasting technology), email and mobile phones. These are quick and relatively cost-effective ways of exchanging written, visual and audio information, organizing, networking, mobilizing and facilitating dialogue. They are particularly useful media for those women whose mobility is restricted or for communication with organizations outside of affected areas. Mailing lists and similar tools can create a 'safe' space for individuals to organize around an issue that might be 'risky' in physical spaces, as well as being simple and usually cost-free.

For example, in Kuwait and the Gulf States, new technologies have made it possible for women to mobilize their networks at a moment's notice when the government denies access to a certain area. Kuwaiti women organizing demonstrations to demand voting rights were more effective in 2005 than during a similar campaign five years before because text messaging allowed them to reach more women to take part in the protests.<sup>14</sup>

Text messaging also allows women to "build unofficial membership lists, spread news about detained activists, encourage voter turnout, schedule meetings and rallies, and develop new issue campaigns—all while avoiding government-censored newspapers, television stations and websites."<sup>15</sup>

## 2. Reconciliation mechanisms

**Reconciliation mechanisms run parallel to other peacebuilding processes, combining an emphasis on the search for justice with the process of healing, respect and creating a longer-term culture of peace among conflicting parties.** Barriers to reconciliation include the erosion of social capital and a lack of trust within and among communities. Types of women's community-led initiatives around these issues include creating 'social contracts,' community exchanges and public advocacy for peace.

### **'Social contracts' among conflicting parties**

In countries affected by armed conflict, one of the longest-lasting legacies is the undermining of social capital—that is, of the relationships and networks that enable trust and cooperation among people. Conflict-affected communities face the challenges of strengthening social cohesion, rebuilding relationships and re-establishing trust. An increasing amount of evidence shows that the process of rebuilding social capital within communities can also be an effective method of challenging the constraints women face in participating in local decision-making structures: when women are involved in reconciliation mechanisms, they are playing an important role within the community and can ensure that these processes reflect women's concerns.<sup>16</sup>

Women's involvement in the creation and signing of so-called social contracts is one way of promoting social capital and reconciliation. Com-

munity-based social contracts are agreements among community members to abide by a set of mutually identified rights and duties.

An initiative by the Agency for Cooperation and Research in Development in Burundi, for example, focuses on reconciliation and conflict prevention through community negotiations, which are followed by the signing of social contracts in the presence of the community, local authorities and external witnesses.<sup>17</sup> A gender-specific approach is fully integrated within the initiative to ensure that women participate in equal numbers and with equal decision-making opportunities in the process. At the onset of the community social contract process, an in-depth analysis of the causes and impacts of the conflict is conducted, as well as an analysis of existing traditional responses to conflict. The community dialogue and negotiations bring community members of different ethnicities and groups together to talk through the issue in question and listen to

testimonies, allowing people to admit to their wrongdoing and ask for forgiveness. Upon mutual agreement within the community, social contracts are developed and signed and a peace committee is elected to ensure that the social contract is respected.

The peace committees in Burundi are democratically elected and include both Hutus and Tutsis, women and men, young people and older community members. 'Peace projects' are identified with the objective of benefiting the whole community and contributing to solidarity. The projects are related either to post-conflict reconstruction and rehabilitation or to conflict prevention. The whole community is expected to take part in the implementation of each project, and each project is expected to have a rapid and lasting impact: the reconstruction of a bridge, the opening of a school or local road, or the construction of a common mill, grinding or storage facility. The pilot phase of the initiative, which began in 2002, involved almost 200,000 people.

## Community exchanges

Fear of 'the other' can be a key barrier to reconciliation among conflicting parties. Negative stereotypes and assumptions—and lack of knowledge or understanding about different groups of people—often foster fear, especially in a context where 'the other' is also 'the enemy.' Therefore, another approach women have used to promote reconciliation among belligerent parties is to promote greater understanding and compassion through community exchange, and thus reduce fear of 'the other.'

For example, in the conflict between Israelis and Palestinians there is fear of 'the other' on both sides. The Israeli organization Coalition of Women for Peace arranged what they call 'Reality Tours' geared toward Israelis (women and men) who are willing to travel to the occupied Palestinian territory and meet Palestinians.<sup>18</sup> Led by trained guides, the tours introduce participants to the social, economic, political and environmental realities of the conflict: checkpoints, refugee camps, the recently erected security barrier. The tour



Rwandan women's group members weaving baskets for income generation, with support from UNIFEM. Recently returned from Tanzania, the former refugees are working to reintegrate into Rwandan society. (Photo: Annalise Moser/UNIFEM)

exposes participants to a reality that most have never witnessed before. Approximately 1,500 Israelis participated in these tours in 2004. In several cases, participants became directly involved in peace activism following the tour, and almost all send friends and family to participate.

Similarly, while tensions were still running high in Georgia, the *Fund Sukhumi* women's organization and the Association of Women of Abkhazia brought women together to talk about security. The events were taped, and videos of the discussions were exchanged over the border. The aim was to get the women to meet, if only virtually, 'the other' —the supposed enemy—in an attempt to reduce tension and fear. Through the exchange of tapes, women from both sides had a chance to 'see' each other and talk about their fears.

### **UNIFEM supports Women's Peace Caravan in Uganda**

In 2006 UNIFEM supported the Women's Peace Coalition to implement a Women's Peace Caravan, carrying the African Women's Peace Torch as part of women's advocacy for peace.<sup>19</sup> The Torch arrived in Kampala and was received by the Speaker and Deputy Speakers of the Ugandan Parliament as a sign of solidarity and commitment to peace. The Women's Peace Caravan then traveled from Kampala to Kitgum, joined in solidarity by women from the region.

### **Public advocacy for peace**

Even as women's voices have frequently been excluded from the public sphere, women's community-based organizations have been extremely successful in challenging this state of affairs and reclaiming public spaces to advocate for peace. Women's networks use public expressions of support for peace to draw attention to important and often neglected aspects of a conflict, and to advocate for conflict prevention or conflict resolution. These initiatives often take the form of regular public events, such as women's peace vigils.

The Blue Ribbon Peace Vigil in Fiji, for example, began in response to the 2000 coup, when the Fiji National Council of Women mobilized a network of women's groups in Suva to gather for a peace and prayer vigil.<sup>20</sup> The peace vigil became a daily, then weekly, event bringing together a multi-ethnic group of women from a variety of CSOs. It supported and strengthened women's roles in mediating between conflicting parties, in communicating and advocating with security forces, and in bringing different communities and groups together to pray for peace and unity in the country.



## 3. Increasing access to justice

**Women often face enormous barriers to accessing justice in the aftermath of armed conflict.** This may be because legal services have simply not yet been restored; because patriarchal attitudes and structures actively exclude women from traditional justice systems; or due to a lack of women-friendly legal services. Successful community-based initiatives that have facilitated women's access to justice in post-conflict settings include gender-sensitizing traditional justice mechanisms, providing community-based legal support, and working with the police at the community level.

### Traditional justice systems

Women are often excluded from traditional justice systems. This is because in many communities women have both historically been excluded from traditional decision-making structures in general and faced discrimination in the context of traditional justice mechanisms in particular. As a result, traditional justice mechanisms may hinder women from testifying or may not recognize crimes of gender-based violence as punishable offenses.

Rwandan *Gacaca* courts represent an important traditional dispute-resolution and reconciliation mechanism, and significant support has been devoted to empowering women to contribute to this mechanism.<sup>21</sup> The *Gacaca* courts are community-level courts where victims, perpetrators and the public gather to hear testimony concerning crimes committed during the genocide of 1994. They have proved to be an effective tool within the context of a justice system overwhelmed by the scale and enormity of the crimes committed during the Rwandan genocide. UNI-

FEM and the Rwandan women's organization Pro-Femmes/*Twese Hamwe*, have supported efforts to maximize women's participation through advocacy regarding the integration of a gender perspective in implementing *Gacaca* law; awareness-raising sessions for 100,000 women leaders, local government representatives and persons in prisons; and training sessions for female judges. These efforts have yielded notable results, with women participating meaningfully in the *Gacaca* process as judges (over 30 per cent of elected judges in the *Gacaca* courts are women,)<sup>22</sup> as well as witnesses testifying during *Gacaca* hearings.

There are, however, a number of challenges associated with the *Gacaca* system. While rape and sexual torture are classified as 'category one' crimes, to be dealt with by the regular courts, in order for a case to be categorized, the accusation must be brought before a public hearing. However, women understandably find it difficult to give testimony in public, especially around

GBV crimes. In response to this obstacle, the *Gacaca* law was revised in 2004, so that victims of sexual crimes can present their case in front of one judge, rather than the entire community; it remains to be seen to what extent this provision is implemented in practice.<sup>23</sup> In addition, while women comprise the majority of witnesses for other types of genocide-related crimes, the obligation to testify can be a source of tension. For example, if a woman's husband committed a crime during the genocide, the wife may be exposed to strong pressure from her in-laws not to testify. This pressure is often compounded by the fact that in many cases women are dependent on their husband's family for economic support.<sup>24</sup>

### **Community-based legal support**

In many cases, the reason for impunity for violent crimes against women is not a lack of laws that address SGBV, but rather the failure to implement those laws. The failure of implementation



Women's group in northern Uganda. Their village is the site of a massacre that killed many community and family members. (Photo: Annalise Moser/UNIFEM)

is linked to barriers such as legal institutions' resistance to prosecuting SGBV cases and lack of knowledge about legal rights.

A particularly innovative approach to address these issues is that of the American Refugee Committee (ARC) Legal Aid Programme in Guinea, which operates a legal aid clinic.<sup>25</sup> The clinic runs an education programme targeting refugees, community leaders, government and non-governmental aid workers, as well as United Nations employees, physical and mental health care providers, bar owners, hotel owners, video club owners, law enforcement personnel and Guinean officials charged with the responsibility to protect. The programme disseminates information about the clinic's services, the substance of the laws regarding SGBV and the penalties associated with violation of these laws. The programme also strives to educate refugees on their rights while aiming to deter would-be offenders. Among the services provided by the clinic are legal advice and representation to survivors of violence, which enables:

- » Punishment of those who engage in criminal activities;
- » Protection and restitution for survivors;
- » Deterrence of others who might engage in similar acts; and
- » A visible, reliable and effective avenue of recourse for women.

By filing cases, the clinic promotes the enforcement and rule of law within the Guinean legal system.

## Working with the police

Frequently, women survivors of SGBV are unwilling and unable to report the crimes to the police. One initiative aiming to overcome this barrier has been the establishment of specialized police units to deal with SGBV.

The Sierra Leone Police, for example, have established Family Support Units (FSU) with specially trained male and female officers dedicated to working with survivors of rape, sexual abuse, domestic violence and trafficking.<sup>26</sup> Located in the main police stations across the country, the FSUs are supposed to provide compassionate, humane, and appropriate assistance. The FSUs have established referral services for free medical care and legal assistance and engage in extensive public awareness-raising efforts, especially on the topics of sexual violence, domestic violence, HIV/AIDS, trafficking and female genital mutilation.

In the past, Sierra Leonean women rarely reported such crimes to the police. The FSUs, however, have been effective in enabling and encouraging women to report cases of SGBV. In 2003, FSUs received and investigated 3,121 reports of sexual and physical violence, a significant increase over reporting in previous years. This rise in the number of reported cases is seen as a result of increased public awareness and public confidence in the FSUs.<sup>27</sup> Furthermore, an assessment of the FSUs by the United Nations Children's Fund found that the stigma associated with sexual exploitation and abuse has diminished, and people are more aware of the support services available.

## 4. Access to support services

**In post-conflict settings, women’s access to support services can be severely constrained.** The health infrastructure of a country, including health clinics, may have been destroyed; personnel may have been displaced; and materials may have been lost. The lack of access to services is often exacerbated by the fact that women have significant needs for support as a consequence of their experiences during armed conflict—especially with regard to sexual violence. At the same time, women are affected by multiple issues: Both armed conflict and SGBV affect women’s physical and psychological health, their legal rights and their capacity to earn an income. In response to these challenges, many initiatives that aim to increase women’s access to support services use a multisectoral approach; the innovations are in the particular combinations of services and sectors.

### **Multisectoral support to women in post-conflict contexts**

Female-headed households face particular challenges. One support-services programme targets widows in conflict-affected regions of Nigeria. The Women for Women International programme enrolls widows in a one-year holistic programme, during which they receive psychological counselling, financial assistance (which gives them the freedom to purchase basic goods, start a small business or send their children to school) and job skills training. Rights awareness and leadership education classes are given once a week. The skills and awareness that women have learned in these sessions have led to strong women’s networks and increased participation in political advocacy, including the successful contesting, via traditional rulers, of local inheritance customs that discriminate against widows. The programme also engages men—notably traditional rulers, government officials, religious leaders and businessmen—in gender-sensitivity workshops. There is evidence

that many of these men now not only advocate to bring an end to gender discrimination in their own homes, but also share what they have learned with other community members. These combined approaches contribute to improved peacebuilding capacity for women.<sup>28</sup>

### **Multisectoral support to survivors of SGBV**

Many programmes that increase access to support for survivors of SGBV combine the elements of medical services, psychosocial counselling and legal support. The ARC Community Safety Initiative in Guinea uses a comprehensive multisectoral approach in its efforts to prevent and respond to gender-based violence among Albadaria refugees.<sup>31</sup> Components include:

- » Skills-building and income-generation activities, which aim to minimize women’s vulnerability to exploitation by promoting economic self-sufficiency;
- » Training grants, which provide vocational training and life skills classes on leadership, decision-making and basic health, while

academic scholarships are provided to girls who are attending school but are at particular risk of dropping out;

- » 'Entrepreneurial assistance,' which provides training in business management along with a package of materials given at the close of training so that beneficiaries are enabled to start up a business using their new skills;
- » Alternatives for commercial sex workers, which include vocational skills training and a monthly stipend to allow participants to focus on their training and not have to seek alternative income sources, along with reproductive health education and medical testing. Upon graduation, participants receive a package of materials with which to start their own businesses;
- » Medical case management, which aims to increase the access and quality of care available to survivors of SGBV and other highly vulnerable women, providing advocacy and support for them within the health system;
- » SGBV awareness trainings tailored to specific groups—such as security forces, male NGO workers, drivers, health workers, teenage boys and vulnerable girls and women—which increase the ability of these groups to respond appropriately to SGBV cases and prevent sexual exploitation;
- » 'Prevention Grants,' which are in-kind grants awarded to grassroots community groups committed to addressing SGBV issues through culturally appropriate means, such as drama, dance, music and debates; and
- » The distribution of kerosene lanterns to refugee households and booths that house new arrivals, as one way to address security concerns.

A comprehensive manual describing multisectoral approaches to prevention and response to SGBV is available.<sup>32</sup>

## 5. Awareness raising and attitudinal change

**Two important challenges to gender-sensitive conflict resolution are the lack of access to information and entrenched gender biases in social attitudes.** Many community members—both men and women—may be unaware of the gender dimensions of conflict, women's human rights and SGBV violations, or may be unaware that they have access to conflict-prevention activities. This lack of awareness can contribute to attitudes that enable both conflict and SGBV.



A safe house, home to six women and girls in Timor Leste. (Annalise Moser/UNIFEM)

## Increasing access to information and changing attitudes

Communication initiatives are often among the most effective ways to enhance access to information and to change attitudes and behaviours towards gender-sensitive conflict resolution and combating SGBV. While radio and theatre have been used to this end for several years, new and innovative uses for these media are currently being explored. Incorporating listening groups or feedback discussions, for example, is crucial for reinforcing messages and actively involving the community, enabling participants to represent their views, identify common concerns and seek solutions that emerge from within the community. Women often have even more difficulty than men in gaining access to what little information there is about peacebuilding and security.

Radio has proved to be an effective communication method for reaching women, especially among illiterate audiences. In Nepal, for example, Equal Access, in partnership with General Welfare Prathistan, trained rural women as community radio reporters. As reporters, these women collected stories from other rural women to create a radio programme entitled 'Changing our World,' covered issues relating to women's human rights, peacebuilding, and violence against women and reached two million listeners. As part of this project, 60 community listener groups were set up to encourage grassroots leadership and changes in attitudes and behavior.

The project not only increased the awareness of community members regarding violence against women, but also served as a catalyst for actual changes in attitudes and behaviours: after the programmes aired, there was a reduction of incidents of domestic violence in the communities and an increased reporting of incidents of violence to authorities. The project also created a pool of qualified and motivated women reporters.<sup>34</sup>

## Community involvement can improve support service programmes

The extent of community involvement in a project has a critical impact on its success. One multisectoral project on SGBV within refugee camps in Tanzania found that success in fighting SGBV depended on the degree to which both men and women participated in the design and implementation of the programme.<sup>29</sup> Similarly, in its implementation of a project to support girls and women in Sierra Leone, the United Nations Population Fund (UNFPA) found that extending the benefits of a project to the community and involving them in planning and implementation increased local support for the project and encouraged its sustainability.<sup>30</sup> Host communities were sensitized to issues such as gender equality, and they were involved in project planning and implementation: for example, community members contributed local building materials for project structures, distributed condoms and served as peer mobilizers in discouraging violence against women, child abuse and commercial sex. Free health and education services for the host community also encouraged their support of the project.

Similarly, supported by the International Women's Development Agency, Women's Action for Change in Fiji uses theatre as a tool in challenging sexist attitudes and violence against women, against the backdrop of ethnic tensions of Fiji.<sup>35</sup> The play *Another Way*, for example, concerns a young couple: Priya, from a working class Indo-Fijian family and Jerry, an indigenous Fijian.

Priya's family expects her to marry an Indian man they have chosen, and the pressure and violence that accompany the resulting family conflict eventually lead her to end her life. The play was performed from 2005 to 2006 for approximately 2,000 people, in secondary schools and community centers in marginalized regions. Following each performance, the 'playback' method was used to explore issues raised in the play, inviting the audience to discuss alternate responses and to see that there is indeed 'another way.' Select male and female audience members

## Challenges with radio as a communication tool for women

Challenges to radio-based initiatives include the fact that few women own radios, and even fewer can afford batteries to run them, so men often control whether and when women can listen. Efforts should thus be made to supply wind-up and solar-powered radios to women, and women-specific programmes should be broadcast at times when they are most likely to tune in.<sup>33</sup>

then took part in further theatre workshops and received training in non-violent conflict-resolution skills. The aim was to develop networks of diverse young men and women who have the skills and confidence to become community leaders. Indeed, several of the young people involved have since become involved in conflict mediation in their families and communities.<sup>36</sup>

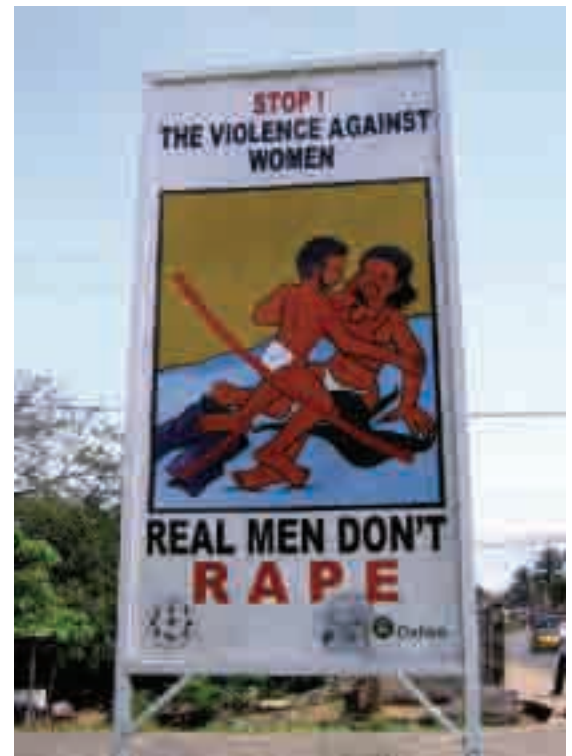
## Challenging local power structures and men's behaviors

Even when women face considerable social exclusion at the community level, they can be successful in challenging local power structures and men's behaviors to prevent SGBV.

The women's anti-alcohol movement in Andhra Pradesh, India, was started and sustained by poor, low-caste, often agricultural working women in response to the violence experienced at the hands of alcoholic men. Men's drinking also exacerbated family poverty through the squandering of male earnings on alcohol.<sup>37</sup> The women invoked the support of priests, pressuring men into taking an oath of abstinence at the temples and involving the temples in monitoring alcohol abuse. Women also prevented the men in the community from consuming alcohol by using community-based sanctions on men who drank, including strategies such as parad-

ing the drunk men around the community, refusing to give them food, and shaving off their hair. They stopped liquor sales by destroying shops and dens; countered the joint attacks of drunken men, police and thugs; and demanded an end to the practice of paying male labour in the form of liquor. The movement was successful in forcing the Andhra Pradesh state government to ban the sale of arrack (liquor) in October 1993 (this prohibition was subsequently revoked).

Another example is the 'Imam Initiative' of the Noor Education Centre, an NGO in Jalalabad, Afghanistan. The initiative addresses religion, custom and culture as tools for attitudinal change.<sup>38</sup> Discussions are held with religious leaders on issues such as women and Islam, sharia law and the Koran. Human rights issues are subsequently introduced. This initiative has seen some success in changing ideas through religion, especially, when imams use Friday prayers as a venue to discuss women's issues.



Communications materials addressing violence against women, such as this billboard, are common in Liberia. (Photo: Annalise Moser/UNIFEM)



## 6. Conflict-monitoring systems

**Frequently, gender issues including SGBV are not considered to be important warning signs of conflict, and women are often excluded from participating in community-based decision-making around peacebuilding processes.** However, initiatives that use a gender-sensitive approach in early warning and monitoring of conflict can also contribute to SGBV prevention and women's peacebuilding. Conflict analysis, monitoring, and early warning and response are all significantly enhanced when a gender-sensitive approach is applied, because aspects of conflict that might not otherwise be detected are exposed when women's experience of conflict is addressed. In particular, it is crucial to consider the ways in which information about both men and women, as well as information from both men and women can be used to prevent conflict and build peace in a gender-sensitive way.

In 2004-2006, UNIFEM conducted three pilot projects on gender-sensitive conflict monitoring, in Colombia, the Ferghana Valley, and the Solomon Islands<sup>39</sup>.

In the Solomon Islands, UNIFEM:<sup>40</sup>

- » Trained 20 male and female volunteers from five conflict-prone communities;
- » Developed a set of gender-sensitive indicators of conflict and peace;
- » Collected data at the community and national levels; and
- » Disseminated the data among communities, civil society, Government and donors.

The system became a social resource for the prevention of conflict. The use of gender-sensitive indicators (such as levels of domestic violence and rape, and women's levels of fear in going to markets) served to legitimize attention to gender issues and SGBV as signals of impending conflict and social dislocation. This combined with working with women and men from the communities themselves empowered women to engage—and be seen as legitimate—in community decision-making, as well as discussion and planning around community conflict prevention and peacebuilding strategies. It also proved successful as a means of involving men and raising their awareness of the consequences of SGBV; as a result, several male participants became strong community advocates for women in SGBV cases.

## 7. Making communities safer

**The physical environment of communities can, sometimes unintentionally, make women more vulnerable to violence.** For example, the design of the physical space can make activities such as using latrines or walking after dark unsafe for women. Aspects of community life, such as the proliferation of small arms in communities in the aftermath of conflict, can again compromise women's safety. Effective means of making communities safer include enabling women to better protect themselves from violence and reducing the opportunities for perpetrators to commit acts of violence against women.

### **Reducing small arms and light weapons (SALW)**

The proliferation of small arms in communities renders both public and private space unsafe for women. Small arms and light weapons facilitate sexual violence against women during times of armed conflict, and their widespread presence even after a ceasefire or peace agreement has been put in place continues to make women more vulnerable to rape and domestic violence.<sup>41</sup> Effective disarmament strategies at the community level are therefore crucial for improving women's physical security.

One successful documented case of women's role in disarmament is the 'Weapons for Development' programme initiated by the United Nations Development Programme (UNDP) and the UN Department for Disarmament Affairs (DDA) in Albania.<sup>42</sup> Women went door-to-door in their communities to raise awareness about the danger of small arms; at the same time, they collected survey information on disarmament, large numbers of weapons and a great deal of ammunition.

### **Women's safety audits**

UN-Habitat's Safer Cities programme uses 'Women's Safety Audits' to identify spaces where women feel unsafe. This information is incorporated into recommendations to address the problems identified and thereby increase women's safety.<sup>43</sup>

In Dar es Salaam, Tanzania, community members used the audit to develop and implement an environment cleaning scheme, where women participate in cutting hedges and clearing open spaces, cemetery sites and footpaths to reduce the number of places where criminals might be able to hide.

In addition, they implemented a campaign to promote better lighting of public spaces, encouraging each household to put up a bulb outside their verandas to light the surroundings. Similar lighting campaigns have been directed towards industry owners.

The programme comprised:

- » A workshop on women's role in weapons collection, providing training to NGOs and political representatives to develop strategies for weapons collection;
- » Capacity-building workshops for civil society leaders;
- » A conference bringing together 200 women from the community around the theme, 'Women of Diber Say No to the Guns, Yes to Life and Development'; and
- » Posters and radio programmes raising awareness of women's roles in disarmament.

### **Community safety initiatives**

Women's safety and, conversely, their vulnerability to violence are often determined by the physical environment where they live, which determines the extent to which women can move about and actively engage in the daily life of their communities outside the home.

In the South African township of Khayelitsha, the German Bank for Reconstruction and Development and the City of Cape Town have designed an innovative project entitled 'Violence Prevention through Urban Upgrading.' This project found that women were particularly vulnerable to high levels of violence in open fields, narrow lanes, empty market stalls and communal toilets.<sup>44</sup> In response, the following strategies for reducing violence against women were identified:

- » Improved street lighting and visibility;
- » A more widespread and functional telephone system;
- » Market stalls locked at night;
- » More visible police patrolling and neighborhood watches;
- » Sewers installed and outdoor toilets phased out;
- » Communal sanitary facilities supervised.

# Conclusion

**Through the diverse examples of women's action in communities discussed in this paper, a number of common threads emerge.** In some cases, women's initiatives are challenging and transforming the nature of dominant institutions and identities. In India, women's resistance challenged men's authority and caused a shift in the culture of violent masculinities. Traditional (and often patriarchal) justice mechanisms were transformed in the gender-sensitization of the Gacaca courts in Rwanda, as was the police with the strengthening of the Family Support Units in Sierra Leone. In Burundi, the very nature of the community itself was re-cast through the 'social contracts' initiative: it was no longer defined along ethnic divisions.

Many of the case studies demonstrate a strategic use of stereotyped gender roles. Women in communities choose to use strategies that are readily accessible to them in their daily lives: being present, using silence, public shaming, holding coffee meetings. They also capitalize on the commonly held images of women as peacemakers, as mothers who are both nurturers and arbitrators. In this way, women themselves are appropriating stereotypical gender roles and using them to empower themselves and to strengthen their organizations at the community level.

One salient characteristic of the approaches accessible to women is their informality: many initiatives are small-scale and rely on physical presence or face-to-face contact to build peace and prevent SGBV. Raising awareness and increasing access to information through theatre or community exchanges, making spaces safer through door-to-door neighborhood maintenance programmes or resolving conflict through women's 'peace huts' all illustrate the effectiveness of informal community-led approaches used by women. A related issue is that much of

women's contribution to peace and the prevention of SGBV within communities stems from women's frequent roles as informal community mobilizers and managers. This role is re-cast to focus on peacebuilding and violence reduction within the community.

A final similarity among the examples in this paper is the effort to avoid backlash. Women activists are vulnerable to hostility, especially within the context of patriarchal societies or sensitive post-conflict settings. Various strategies are used to avoid or mitigate potential backlash from community members, from using a poverty reduction justification among the anti-alcohol advocates in India, to incorporating traditional mediation practices in Timor-Leste; and from benefiting the whole community in community safety initiatives, to standing behind traditional gender roles as mothers and peacemakers to gain a legitimate role in local decision-making.

These issues and strategies employed by women point back to the significant obstacles women face when working at the community

level. In many ways, these common threads are direct responses to the need to overcome multiple constraints in order to work effectively. It is crucial not to underestimate the intensity of patriarchy at local levels. Beyond this, other key obstacles involve exclusion from decision-making, lack of access to information, justice and basic services, lack of technical skills, constraints to mobility, risks to physical safety, social resistance and backlash.

Ultimately, women face enormous challenges in translating national and international legal instruments into real rights and concrete changes in their lives at home and in the community. Such national and international agreements filter down to communities only very slowly, but it is vital that they do filter down. Security Council resolution 1325 (2000) has been subject to critiques—particularly with regard to delays in implementation and the ability of information and impact to reach women at the community level. Despite these impediments, women and men in communities do rely on international policy instruments like resolution 1325 (2000). In order for the resolution to be an effective instrument, however, it is vital that women and men work at the community level to build peace and prevent SGBV.

With its mandate to implement resolution 1325 (2000), UNIFEM is directly tackling this challenge as it works to apply the resolution to everyday lives in communities around the world. The DFID-funded ‘Supporting Women’s Engagement in Peacebuilding and Preventing Sexual Violence in Conflict: Community-Led Approaches’ programme is supporting initiatives like the ones described in this paper, across the six very different contexts of Afghanistan, Haiti, Liberia, Rwanda, Timor-Leste and Uganda. The programme has a number of key elements which are common to all six countries, as well as context-specific elements responding to particular circumstances, as outlined in Table 2.

This programme is inspired in part by the types of initiatives presented in this paper, and by the conviction that change must happen at the community level. UNIFEM and its partners hope that this programme will help identify effective means of addressing the array of challenges faced by women at the community level, and discover some of the successful strategies that can embrace women’s engagement and protect women’s rights in different post-conflict contexts.

**Table 2. Initiatives supported by the DFID-funded UNIFEM programme, ‘Supporting Women’s Engagement in Peacebuilding and Preventing Sexual Violence in Conflict,’ by location**

Type of initiative	Location
Consultations with women at community level on issues of peace consolidation, disarmament, peacebuilding, and preventing SGBV	All project countries
Working to make community-based peacebuilding institutions and local authorities	All project countries
Supporting the police and members of the judicial system to better prevent and respond to SGBV, including improved access to justice, reporting, recording and prosecution of cases	All project countries
Improving support services for women survivors of SGBV, through access to referral systems, medical and psychosocial, or access to protected spaces such as transitional houses and shelters	All project countries
Awareness-raising on women’s rights in relation to SGBV, national SGBV legislation, and access to support services for survivors	All project countries
Support for efforts to ensure that sexual violence is recognized as a crime in post-conflict justice and reconciliation mechanisms	Afghanistan, Liberia, Uganda
Training women in gender analysis of conflict and peace and in negotiation and communication skills so as to improve their impact on peace and conflict mitigation	Afghanistan, Haiti, Timor Leste, Uganda
Training members of customary institutions to apply international human rights standards to SGBV cases	Liberia, Rwanda, Uganda
Supporting land management and administrative institutions to ensure a gender perspective in restitution of property rights and compensation	Timor Leste, Uganda
Supporting the emergence of peaceful expressions of masculinity	Afghanistan, Haiti
Supporting livelihood programmes for women survivors of SGBV to reduce their vulnerability and break the cycle of violence	Timor Leste
Supporting the engagement of women from communities in formal peace negotiations	Afghanistan, Uganda
Establishing Trust Funds to provide small grants to innovative community-led peacebuilding and SGBV prevention initiatives	Afghanistan, Haiti
Promoting women’s engagement in reconciliation mechanisms, as well as ensuring those mechanisms are responsive to women’s concerns	Liberia, Rwanda

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# Conflict-Related Sexual Violence and Peace Negotiations



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# Conflict-Related Sexual Violence and Peace Negotiations: Implementing Security Council Resolution 1820 (2008)

On the cover: Pictured are women in Mbalmayo, Cameroon, clad in dresses with the image of Cameroonian President Paul Biya, as Secretary-General Ban Ki-moon tours their community. Mr. Ban visited Mbalmayo to see firsthand several projects related to the UN Millennium Development Goals (MDGs). 10 June 2010, Mbalmayo, Cameroon

Report on the high-level colloquium organized by DPA, DPKO, OCHA, UNDP and UNIFEM on behalf of UN Action against Sexual Violence in Conflict, and in partnership with the Centre for Humanitarian Dialogue

22–23 June 2009, New York



# 1. Purpose and structure

**This report provides a summary of issues discussed at a high-level United Nations (UN) colloquium on addressing conflict-related sexual violence in peace processes, held in New York on 22 and 23 June 2009.**<sup>1</sup> Organized by the Department of Political Affairs (DPA), the Department of Peacekeeping operations (DPKO), the Office for the Coordination of Humanitarian Affairs (OCHA), the UN Development Programme (UNDP), and the UN Development Fund for Women (UNIFEM) on behalf of UN Action against Sexual Violence in Conflict, in partnership with the Centre for Humanitarian Dialogue, the meeting convened over 70 eminent mediators, subject experts, peace activists and leaders of women's civil society organizations (CSOs) from conflict-affected countries.<sup>2</sup> The meeting was supported by grants from the Government of Norway and the Multi-Donor Trust Fund of UN Action against Sexual Violence in Conflict.<sup>3</sup>

The colloquium offered a practical response—in the form of guidance for mediators—to the call in operational paragraphs 3 and 12 of Security Council resolution 1820 (2008) for women's full participation in conflict resolution, and for sexual violence to be addressed in UN-mediated peace processes and in the Secretary-General's dialogues with parties to armed conflict.

The meeting's objective was to further the development of written guidance material for mediators, negotiating teams and the broader community of peacemaking stakeholders (Special Representatives of the Secretary-General [SRSGs], other international security actors, peace activists). Draft guidance notes were prepared by technical working groups in advance of the meeting and are currently being revised in response to feedback received at the colloquium. They highlighted key issues in the relationship between conflict resolution and sexual violence and identified the most promising methods of addressing these issues in peace processes. The finalized guidance material

will be disseminated through, among other channels, the DPA peacemaker website.<sup>4</sup> The guidance material is organized around five elements of peace agreements:

- a. Pre-ceasefire humanitarian-access and human-rights agreements;
- b. Ceasefires and ceasefire monitoring;
- c. Disarmament, demobilization and reintegration (DDR) and security arrangements;
- d. Justice; and
- e. Reparations and economic recovery/development.

On the first day of the colloquium (22 June), the five technical working groups refined the draft guidance notes and sought to distill key principles for each of the thematic areas. On day two (23 June), mediators/SRSGs, subject experts and activists for peace and women's rights reflected on the relevance of these principles to different types of conflict. High on the agenda was the

question of how the recommendations from the technical working groups might be operationalized in light of the serious practical obstacles to even raising the issue of sexual violence in peace processes, let alone securing adequate provisions in the resultant agreements themselves. Member States discussed the role that Contact Groups and Groups of Friends can play in placing sexual violence and its consequences firmly on the negotiating agenda for a given conflict, in-

cluding by pushing for (and funding) the inclusion of women at all stages of the peace process.

On 24 June, a selection of colloquium participants briefed an Arria Formula meeting of the Security Council convened by the Government of the United Kingdom of Great Britain and Northern Ireland. They emphasized the need for the Council to provide leadership and accountability on this issue.

## 2. Security Council resolution 1820 (2008) and its implications for peace processes

**Security Council resolution 1820 (2008) recognizes conflict-related sexual violence as a threat to international peace and security and condemns its use as a tactic of war.**

Its operational paragraphs call on parties to armed conflict to protect civilians from sexual violence, enforce military discipline, uphold command responsibility, exclude individuals who commit sexual violence from the security services and prosecute perpetrators. It calls on the UN to ensure that its peace operations are equipped with guidelines to protect civilians from sexual violence,<sup>5</sup> and asks the UN Peacebuilding Commission to analyze the impact of conflict-related sexual violence on the prospects for both early recovery and long-term peacebuilding. Operational paragraph 3 calls on the Secretary-General and his envoys to raise this issue in dialogue

with parties to armed conflict. Operational paragraph 12 calls for women's full involvement in all aspects of conflict resolution, including peace negotiations.

Sexual violence<sup>6</sup> is a serious crime and human rights violation. Conflict-related sexual violence is sexual violence that is linked to a past or ongoing armed conflict and is committed on a widespread or systematic basis. It is perpetrated by military forces and non-State armed groups, and those who command it are motivated by military and political objectives. Human Rights Watch maintains that widespread and brutal rape has been

a feature of most ongoing and recent conflicts.<sup>7</sup> Country-specific research indicates that there is tremendous variation in the extent of sexual violence in conflict (particularly the frequency and distribution of violence), the intent behind it (notably whether it is used as part of a systematic effort to achieve military, political or economic objectives), the profile of the perpetrators (official security forces, paramilitary groups, non-State armed groups, humanitarian and peacekeeping personnel), and its impact (community demoralization, population displacement or constitutive act of genocide).<sup>8</sup>

Letitia Anderson outlines six conditions under which conflict-related sexual violence is a matter of international peace and security: when it is a crime of international concern; when there is command responsibility; when civilians are targeted by armed actors; when it proliferates due to a climate of impunity; when there are cross-border implications (population flight or spread of HIV); and when it is a ceasefire violation.<sup>9</sup> Sexual violence that falls into any one or any combination

of these categories can be considered a matter of concern to the Security Council, mediators, peacekeepers and those designing or implementing humanitarian, justice or early recovery responses.

In defining sexual violence as a threat to international peace and security, and in some contexts as a tactic of war, resolution 1820 (2008) puts the onus on those seeking to resolve and prevent conflict to ensure that this feature of conflict is addressed in peacemaking and peacekeeping.

Colloquium participants learned, however, that sexual violence has been largely omitted from consideration in peace negotiations, even in contexts where its widespread and/or systematic nature<sup>10</sup> has been a notable feature of the fighting, as in Bosnia, Somalia, Liberia and Sierra Leone. Only 18 of 300 peace agreements (for 45 conflict situations) signed since 1989 even mention sexual or gender-based violence. These 18 agreements relate to 10 conflict situations. In only six conflicts does the ceasefire specifically mention sexual violence: Burundi, Aceh, the Democratic Republic of Congo (DRC), Sudan–Nuba Mountains, Sudan–Darfur and Nepal. The other four conflict situations where sexual violence receives mention in a peace agreement are the Philippines, Uganda, Guatemala and Mexico–Chiapas. The 18 agreements (spread

across these 10 conflict situations) in which sexual violence is mentioned include some in which it receives only a passing reference in the preamble or historical background section. Sexual violence is mentioned in the justice section in two agreements (DRC 2003 and Uganda 2007); in four it is men-

tioned in relation to rule of law and human rights (Guatemala 1995 and 1996, Mexico–Chiapas 1996 and the Philippines 1998); in two it appears within provisions dealing with security arrangements (Sudan–Darfur 2006 and Nepal 2006); and in two it is mentioned in relation to DDR (DRC 2003 and Uganda 2008). In none of the individual agreements or peace processes examined was sexual violence specified as deserving particular attention in relation to reparations or economic recovery/development measures.

**“Resolution 1820 (2008) calls on us to hold peace accords to a higher standard—to ensure that a peace deal will truly bring peace for all of the population, and not allow sexual violence to thrive on the impunity that is created through a lack of domestic prosecution and international indifference.”**

**– Gry Larsen  
Norwegian State Secretary for Foreign Affairs.**

**Resolution 1820 (2008) reiterates the legal obligation to address conflict-related sexual violence in peace processes, but also emphasizes that doing so can bring important peace dividends.**

Security Council resolution 1820 (2008) makes two basic arguments for addressing conflict-related sexual violence in peace talks: one legal, the other instrumental.

The legal argument is straightforward: women have a legal right to be protected from sexual violence, even in the midst of war, and survivors have a right to reparations. The international community's legal obligations to address the issue are set out in the Security Council resolutions mentioned in the preamble to 1820 (2008), notably resolution 1325 (2000) on women, peace and security; resolution 1612 (2005) on children and armed conflict; and resolution 1674 (2006) on the protection of civilians. Other legal obligations are spelled out in the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Rome Statute (1998) of the International Criminal Court and the statutes of *ad hoc* criminal tribunals. Regional treaties also establish this legal obligation, for instance,

the International Conference on the Great Lakes Region's 'Protocol on the Prevention and Suppression of Sexual Violence against Women and Children' (2006). Resolution 1820 (2008) affirms the legal status of sexual violence as a war crime, crime against humanity, and component of genocide. It cannot be amnestied.

The instrumental argument for addressing sexual violence in peace agreements is that doing so can contribute to a more lasting peace. Resolu-

tion 1820 (2008) notes that sexual violence "when used or commissioned as a tactic of war in order deliberately to target civilians or as part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security." Thus, "effective steps to prevent and respond to such acts... can significantly contribute to the maintenance of international peace and security."<sup>11</sup> Among these "effective steps" is the careful crafting of durable peace agreements that establish the conditions for restoring social cohesion, promoting economic recovery and building State capacity. Social cohesion requires the reconstitution of families, the return of displaced persons and the restoration of community support systems. For this to happen, sexual violence survivors and children born of rape must not be ostracized for the abuses committed against them. Economic recovery, and in particular food production and market participation, requires women's engagement, while longer-term

development requires that girls complete their education. Neither can happen in environments of heightened insecurity, where women and girls have their mobility restricted for fear of sexual violence. The failure to prosecute perpetrators of conflict-related

sexual violence undermines efforts to restore the rule of law and erodes people's faith in government, thereby diminishing State capacity. One consequence of impunity is the escalation of post-conflict sexual violence observed in contexts like Liberia and DRC today. In short, peace agreements that comprehensively address the legacies of conflict-related sexual violence stand a better chance of promoting social cohesion, economic recovery and State capacity—and therefore standing the test of time.

**"If we do not confront sexual violence at a war's end, high levels of rape will continue denying women a peace dividend. Put simply, for many women, unabated levels of sexual violence mean that their war does not end with the signing of a peace agreement."**

**– Helen Clark  
UNDP Administrator**

**Resolution 1820 (2008) greatly strengthens the mandate of mediators to address conflict-related sexual violence in peace negotiations.**

As noted, resolution 1820 (2008) calls for changes in the conduct of peace negotiations, peacekeeping and recovery efforts to prevent conflict-related sexual violence and remedy its effects. Several participants who had been involved in mediation efforts commented that they had not felt that addressing sexual violence was a priority for the negotiating parties, nor had they received clear orientation on this issue from their respective institutions. There was a consensus that far less had been done to advance this issue in peace talks than could be done; that more robust action was possible even within existing mandates; that pressure and support from external actors (Contact Groups, Groups of Friends) could be harnessed to ensure that sexual violence was placed more firmly on the negotiating table; and that concrete action to ensure that mediation addresses the variety of issues related to sexual violence in conflict requires guidance, resources and data.

Resolution 1820 (2008) provides leverage to activists seeking justice for survivors.

Women peace activists from Liberia, Bosnia, Guatemala, the Philippines, Nepal and Uganda noted that women's absence from the peace table was a major reason why negotiations rarely covered this topic. Some added, however, that even when activists were given the opportunity, they did not raise the issue. Several reasons were cited: social taboos on publicly discussing the subject, difficulties in demonstrating that sexual violence was used systematically as a tactic of war, a failure to recognize sexual violence as a security issue, and poor awareness of its long-term consequences for sustainable peace. In addition, some activists said that they had been discouraged from raising sexual violence; they were told that it would disrupt or slow down talks because parties to a conflict would fear that any acknowledgement of the scale of the atrocities would open the door to prosecution. Some activists regretted that resolution 1820 (2008) had come "too late for us," saying that it would have strengthened their ability to insist on attention to the issue.

**"I am proud of the role women played in advancing the peace process, but one of my greatest regrets is that we did not use this opportunity to raise our own issues and demand prosecution for perpetrators of sexual violence as a deterrent to post-conflict rape. This would not only have stopped the widespread impunity for this crime, but would also have helped send a message about how to deal with this issue in other conflicts in the region."**

**– Leymah Gbowee, who led a women's peace movement that helped hasten the conclusion of the Liberian peace negotiations in 2003**

## 3. Guidance for mediation

**Among the colloquium’s objectives was to develop practical guidance for mediators and other actors involved in peacemaking.** This guidance addressed issues within each of the five thematic areas mentioned above, as well as developing a series of strategic questions concerning the best means of building support for the inclusion of sexual violence onto the negotiating agenda. The five thematically organized working groups considered the special challenges associated with conflict-related sexual violence: the fact that it is not recognized as a security issue; the lack of data on the extent of the violence and the intent of perpetrators; and the often weak domestic constituencies advocating for attention to the issue. The guidance notes and other background material prepared by the working groups were presented at the colloquium and revised in response to expert and practitioner feedback. This material is currently being refined to include draft language and case studies for use by mediation teams, negotiating delegations and civil society actors. Below is a summary of the key recommendations.

### a. Pre-ceasefire agreements

**Key recommendation:** Pre-ceasefire agreements—particularly humanitarian-access agreements—should include provisions to ensure that survivors of sexual violence are able to receive treatment and services, and remind parties to a conflict that sexual violence is a serious violation of international law. Humanitarian organizations should, in addition, devise means of ensuring the capture of trend data on sexual violence emerging from operational activities.

Before a ceasefire has been reached, parties to a conflict may negotiate a variety of confidence-building measures, including temporary cessations of hostilities, agreements to facilitate the access of humanitarian relief organizations, and (as has sometimes been the case) commitments to respect the human rights of civilians during the

conduct of warfare. Given the considerable difficulties in identifying and delivering services to survivors of sexual violence, these early-stage agreements must include special provisions that will enable humanitarian workers to overcome these challenges. Not only can humanitarian organizations supply essential services; in the process of doing so they can also begin compiling data on the extent of sexual violence, which can inform later substantive negotiations.

UN-appointed mediators of early-stage agreements—or indeed UN agencies themselves, when (as providers of humanitarian assistance) they are party to such an agreement—may be able to exploit the desire of groups locked in brutal conflict to improve their reputations. Armed forces and groups may find agreeing to prevent sexual violence, above and beyond merely allowing humanitarian access to victims, to be a useful method of building support among local popu-



**“We leave conflict-related sexual violence to humanitarian agencies, and all they can do is offer a rape survivor a blanket and some food. They can document it and provide for victims, but cannot stop it. We need to address this as a political and security issue.”**

– Jan Egeland, Director of the Norwegian Institute of International Affairs.

lations. A more politically attuned armed group may also recognize an opportunity to improve its image vis-à-vis the international community, on whose support—for humanitarian assistance or post-conflict aid—it may find itself reliant. Parties to a conflict may have strong reasons to demonstrate their ability to meet the obligations to which they have committed themselves. Pre-ceasefire and confidence-building agreements thus represent important early-stage opportunities to signal zero tolerance for sexual violence and to generate a commitment to preventing it. This can then be built upon in later phases of the peace process, including in the crucially important pre-negotiation ‘talks about talks,’ through which the negotiating agenda often takes shape, the list of bona fide participants is agreed, and the format and timeline for discussions are drawn up. All of these parameters affect the ability of advocacy organizations to keep conflict-related sexual violence in the spotlight as the peace process moves forward.

## **b. Ceasefires and ceasefire monitoring**

**Key recommendation:** Ceasefires and cessation of hostilities agreements must specify that conflict-related sexual violence is a prohibited act, and that ceasefire monitoring teams will be tasked and equipped to report on it.

Conflict-related sexual violence has rarely been specifically prohibited under the terms of a ceasefire agreement. As a result, ceasefire monitoring teams have seldom been directed to report on conflict-related sexual violence. Sexual violence can therefore continue to be used by parties to a conflict to pursue military objectives even when other methods of warfare have been proscribed.<sup>12</sup> Because of deeply ingrained biases in the conduct of security institutions and personnel, the non-specification of sexual violence in ceasefire monitoring typically means that peacekeepers do not engage systematically—through the development of doctrine, procedures and rules of engagement—in efforts to prevent and respond to sexual violence committed by armed groups during ceasefires.

**“If sexual violence is not addressed squarely in ceasefires and peace processes, there will be no peace for women.”**

– Jan Egeland, Director of the Norwegian Institute of International Affairs.

To counter this in-built tendency, and to comply fully with resolution 1820 (2008), ceasefires should specify that conflict-related sexual violence is a prohibited act and that its consequences must be addressed in all aspects of the ceasefire, including in the separation of forces, the operation of cantonment sites and the exchange of prisoners. In addition, ceasefire monitoring teams should be tasked, trained and structured to report on sexual violence. The task of monitoring for sexual violence should be mainstreamed throughout integrated monitoring teams, which may require support from specialists who have training in, for instance, processing victim complaints, collecting and handling witness testimony and cross-checking information. Addressing sexual violence effectively also requires the inclusion of more women police and military personnel on ceasefire-monitoring teams. Collecting comprehensive data on the

nature of violations is critical to the success of a ceasefire-monitoring mission, but can also be very challenging in insecure environments. Mediators should ensure that ceasefire-monitoring arrangements include protocols for collecting information on sexual violence that are consistent with the ethical guidelines of the World Health Organization. The capacity of non-governmental organizations (NGOs) in conflict-affected countries to participate in a structured data-collection process should also be enhanced. UN actors must develop systems for verifying such data.

### **c. DDR and security arrangements**

**Key recommendations:** Security arrangements, whether transitional provisions, peacekeeping operations or post-conflict security institutions, should be designed to prevent conflict-related sexual violence.

DDR programmes should address the needs of women and girls associated with fighting forces (who are frequently victims of sexual violence), while also protecting civilians in receiving communities from the threat of sexual violence by returning ex-combatants.

The security-related components of peace agreements (DDR, transitional security arrangements, longer-term security sector reform [SSR]) must address the implication of security actors in conflict-related sexual violence and support reforms that make security-sector institutions more effective at preventing sexual violence in the post-conflict environment. However, sexual violence and the imperative of protecting women are rarely major concerns in efforts to merge, shrink and retrain security actors.

DDR programmes, designed primarily to reduce the incentive and capacity of spoilers to derail peace agreements, are essential to short-term stabilization. Three sexual violence issues must

be addressed in DDR: the special needs of women and girls associated with fighting forces, particularly those who are survivors of sexual violence; the risk of triggering elevated levels of sexual violence when demobilized combatants return to their communities; and the challenge of keeping human rights abusers, including perpetrators of sexual violence, from absorption into merged ('national') armed forces. Good practice in all three areas has been limited. This could be substantially remedied if peace accords contained provisions specifying that women and girls associated with armed forces are eligible for special provisions to address their needs on an equal priority with male ex-combatants. The reintegration components of DDR programmes should support efforts to protect civilians in receiving populations from the threat of sexual violence by returning ex-combatants. Given weak police capacity in most post-conflict settings, this requires investment in community-supported security monitoring systems, which can enhance the State's sensitivity to local indicators that sexual violence is rising. Finally, vetting systems must identify perpetrators of sexual violence and prohibit their absorption into national security forces, a process that requires an overhaul of existing DDR models and the provision of gender expertise to programme designers.

**“Sexual violence is not a woman’s issue or a gender issue. It’s a security issue.”**

**– Major General Patrick Cammaert, former deputy commander of the Eastern Division, United Nations Organization Mission in the Democratic Republic of Congo (retired).**

Transitional security arrangements and post-conflict security institutions must be mandated and resourced to promote women's security and prevent sexual violence. Many aspects of policing, for instance, need revision, including systems for gathering intelligence on security threats, receiving and processing reports of sexual violence,

conducting investigations and liaising with judicial institutions. Within substantial reform, security personnel continue to lack incentive and in some cases are simply unable to detect and prevent sexual violence while guaranteeing the dignity and safety of survivors. Accountability systems in security institutions should ensure the participation of women in civilian oversight bodies and procedures for investigating and sanctioning perpetrators of sexual violence. Codes of conduct for security actors must include a duty to respond to allegations of sexual violence. Special measures to encourage recruitment of women to the security forces are also helpful in creating a security environment more responsive to women's security needs. Finally, conflict analysis that informs national security planning must systematically examine patterns of sexual violence, with special attention to anticipating and responding to spikes in sexual violence during any instability in the post-accord period.

#### d. Justice

**Key recommendation:** The justice provisions of a peace agreement should require that sexual violence be addressed with equal priority to other international crimes.

Most peace agreements have been silent on the question of how to ensure accountability for sexual violence, even when it has taken place on a widespread and systematic scale. Transitional justice and reconciliation mechanisms have not yet effectively protected witnesses and victims, nor have domestic courts built strong records of prosecuting wartime sexual violence. The International Criminal Court has yet to issue its first ruling, and the first trial does not include charges of sexual violence. At the International Criminal Tribunal for the former Yugoslavia, 18 convictions are related to sexual violence; the number is lower in other courts: eight convictions at the International Criminal Tribunal for Rwanda and six convictions at the Special Court for Sierra Le-

one. Weak justice responses to conflict-related sexual violence are the result of peace processes that do not address this issue in sufficient detail.

**“While in Sarajevo, after the first verdicts came out on rape as a war crime, I asked a group of Bosnian women survivors if they were happy that the ICTY had just issued a 20-year sentence against a war criminal. They replied, ‘What are you talking about? We got a lifetime sentence!’”**

**– Elisabeth Rehn, former Defence Minister of Finland, and former SRSG for Bosnia and Herzegovina.**

Even when peace agreements include mechanisms to ensure accountability for wartime violations or those committed in violation of a cease-fire, sexual violence survivors face a particular set of challenges, including social ostracism, physical threats and weak or poorly implemented laws on sexual violence. Biases in national legal systems that discriminate against women were identified by colloquium participants as a serious obstacle to effective prosecution. Peace accords may therefore need to include commitments to develop legislation that fully criminalizes sexual violence. Women's groups in Sierra Leone, DRC, Liberia and Timor-Leste have prioritized this type of legal reform in the post-conflict period.

Given that sexual violence constitutes or is an element in several international crimes, peace accords should establish justice arrangements that treat conflict-related sexual violence as seriously as they do other violations of equal gravity. There can be no amnesty for conflict-related sexual violence when it amounts to a war crime, a crime against humanity or a constitutive act of genocide. Mediators should push for the inclusion of specific references to conflict-related sexual violence in the accord's transitional justice provisions, as well as for measures to protect the security and dignity of victims and witnesses.

Mediation teams should consult with survivors, women's groups and other CSOs and report regularly on this aspect of their work to the Security Council (or other mandating authorities).

## **e. Reparations and economic recovery/development**

**Key recommendation:** Peace agreements must address both the immediate and long-term recovery needs of sexual violence survivors by providing urgent mental and physical health care; supporting the development of livelihoods; reforming public education to end social prejudices that stigmatize victims and their families; reforming governance and security-sector institutions to ensure that these violations are not repeated; and providing public commemoration, where desired, of the abuses suffered.

There are compelling reasons to ensure that the lasting impact of widespread and systematic sexual violence is not neglected when planning either reparations programmes or the economic reconstruction of war-ravaged societies. The damage inflicted on the fabric of society by conflict-related sexual violence may, for instance, be so profound as to undermine the relations of trust on which private economic activity and public services rely. But survivors of sexual violence are rarely in a position to influence the design of post-conflict institutions tasked with

formulating development priorities or awarding reparations. The particularly heavy social stigma attached to sexual violence discourages many

survivors from demanding public policies that would respond to their needs and, by extension, support community recovery. As a result, reparations often fail to acknowledge sexual violence survivors as 'war wounded' deserving of public support, or fail to implement reparative measures in ways that do not re-victimize, or even endanger, survivors.<sup>13</sup>

To the extent that they discuss reparations arrangements—an obligation of post-conflict states in any case—peace agreements must address the distinct needs of sexual violence survivors. This means, at a minimum, recognizing sexual violence survivors as a distinct beneficiary category, relaxing evidentiary standards while raising confidentiality and privacy standards, making available a full menu of reparations options, and guaranteeing that participation in such a programme does not preclude survivors from access to further legal redress. This task could be facilitated by commissioning, at an early stage in the process, a comprehensive report on the frequency, distribution, intensity and circumstances of sexual violence, and what implications

these patterns might have for the design of post-conflict reparations institutions. If the text of the accord delegates the design and implementation of a reparations programme to a commission or task force, the accord should further specify that this entity exhibit gender balance.

Sexual violence survivors must contend with challenges that often differ from those experienced

by the population at large, or indeed by victims of other human rights abuses. Thus, peace agreements must address both the immediate and

**“Those that are responsible for the death of our loved ones, for raping us, destroying our properties, mutilating our bodies, and for all the untold suffering that we have been subjected to are not only offered amnesty, but are also given cash and other household items. Their children are sent to schools while ours remain home. And I would like to ask why are we being punished? Is it because we did not kill and rape?”**

**– Betty Bigombe  
Distinguished African Scholar at the Woodrow  
Wilson International Center of Scholars,  
quoting a woman in a camp for internally  
displaced persons in Uganda.**

long-term recovery needs of sexual violence survivors, their families and affected communities, as well as anticipate the possibility of elevated levels of post-conflict sexual violence. This might entail earmarking expenditures for specialized services for survivors, with special attention to sexually transmitted diseases and unwanted pregnancies; the extension of adequate livelihood opportunities for sexual violence survivors; and the availability of education opportunities for children born of rape and school-age survivors of sexual violence. Finally, survivors of sexual

violence require special protections to preserve their dignity, protect their identities and ensure non-repetition. For this reason, in some contexts survivors have opted for community rather than individual reparations (Morocco, Peru) or symbolic acknowledgement of culpability, such as the request for a presidential apology in Sierra Leone. Such options should be set forth in a statement of minimum conditions that a reparations programme would be expected to meet, regardless of the specifics of its design.

## 4. Cross-cutting issues: Accountability, women's participation, data

**Stronger accountability systems are needed to ensure that sexual violence is addressed in peace processes.**

Even in the absence of a mandate, implementers of peace agreements can still take steps to monitor sexual vio-

lence and/or prosecute it. However, while there are important examples of individual initiative and leadership in confronting this issue without an explicit mandate, colloquium participants felt that response to conflict-related sexual violence could not be left to the discretion of mediators, prosecutors or Force Commanders. Clearer accountability systems—notably in the Security Council—are needed to ensure consistency in mandate interpretation and application of international legal requirements to address sexual

violence.

**Contact and Friends Groups  
can support the issue.**

Contact Groups and Groups of Friends can play a critical role in ensuring that difficult human rights issues are addressed in peace processes. However, members of such groups typically place great pressure on mediators to conclude peace agreements as swiftly as possible. Consistency in Member States' support for atten-

tion to sexual violence issues is critical. Member States could, for instance, band together to announce an intention not to fund the implementation of peace agreements that do not address the legacies of conflict-related sexual

violence. Equally valuable would be the provision of expertise on the prevention of sexual violence to mediation and ceasefire-monitoring teams and to peace operations more generally.

In the case of ceasefires, a good practice example is the joint monitoring team deployed in the Nuba Mountains (Sudan) from 2002 to 2005. The team's mandate included sexual violence among the acts that armed groups were specifically prohibited from engaging in, regardless of whether their role was committing, commanding or condoning it. Women police personnel made up 10 per cent of the Nuba Mountains monitoring team. The attention to sexual violence in the agreement itself was promoted by members of the international 'Friends of the Nuba Mountains Group,' which had hosted negotiations in Switzerland. This group also helped to supply the additional women members for the joint monitoring team.

### **Women's engagement in peace negotiations is indispensable to addressing conflict-related sexual violence.**

While women are not the only victims of conflict-related sexual violence, they have to date been

**"The number of armed conflicts has gone down from 54 to 33 in the last 18 years, but it is clear that the quality of peacemaking is not nearly good enough for civilians in general and women in particular."**

**– Jan Egeland  
Director of the Norwegian Institute  
for International Affairs.**

**"Resolution 1325 is about prevention and power, resolution 1820 is about protection and punishment. Both are important. But there will be no sustainable implementation of resolution 1820 unless you are also implementing resolution 1325."**

**– Pierre Schori, former SRSG for Côte d'Ivoire,  
and former Director General of the Fundación  
para las Relaciones Internacionales y el  
Diálogo Exterior (FRIDE).**

the most vocal social category working to stop it. In this sense, implementation of resolution 1325's provisions regarding women's inclusion in conflict resolution is crucial to the implementation of resolution 1820 (2008). Women's

exclusion from peace processes has continued relatively unchanged since the passage of resolution 1325—if anything, the numbers of women in Track I processes have decreased since 2000. Research by UNIFEM, based on a sample of 24 major peace processes since 1992, found that

only 2.1 per cent of signatories were women; that women's participation in negotiating delegations averaged 7.1 per cent of the 14 cases for which such information was available; and that no women had been appointed chief or lead mediators in UN-sponsored peace talks.<sup>14</sup> All five of the colloquium's techni-

cal working groups made recommendations for women's participation in peace negotiations and in the institutions for implementing accords, such as ceasefire monitoring teams, truth and reconciliation commissions, human rights commissions, reparations commissions, early recovery planning bodies and so forth.

Two problems that could limit the effectiveness of women's engagement require direct attention by mediators and the international community: the relative weakness of domestic constituencies advocating for attention to sexual violence, and the relative paucity of expertise on sexual violence among women's groups and mediation teams. A combination of the stigma attached to sexual

**“Because the domestic constituency to raise this issue is often relatively silent or powerless, the international community has a duty to ensure that the concerns and needs of victims are addressed at every possible stage of peacemaking.”**

**– Ian Martin  
Department of Political Affairs,  
and former SRSG for Nepal**

violence survivors, the dispersal or exhaustion of domestic women’s movements, and the relatively low leverage of human rights advocates in peace processes produce typically weak domestic constituencies to promote attention to sexual violence. This is particularly problematic for mediators who are not in a position to insist that issues be put on the agenda, and therefore require expression of a credible domestic interest.

This problem has implications for the **timing and sequencing** of attention to conflict-related sexual violence and for the organization of consultations between mediators, negotiators and CSOs. Efforts must be made to acknowledge and address the issue as early as possible and to invest in the capacity of domestic CSOs to elevate its legitimacy as a national concern, and to build a reliable base of information for negotiators and mediators. Track II and other efforts to engage civil society in building peace must create space for this issue to be addressed.

### **A lack of data cannot be an excuse for inaction.**

Sexual violence often happens far from the surveillance of a ceasefire-monitoring team or peacekeeping mission and may not imprint on popular and international awareness because it leaves invisible scars. The stigma attached to the crime also makes survivors reluctant to share information about their experiences. For this reason, the scale and consequences of sexual violence have at times gone undetected by trained

human rights investigators, particularly where survivors are from socially excluded groups. This was the case in the Central American conflicts of the 1980s and 1990s—for instance, in Guatemala, where indigenous women were the prime targets. But a lack of data must not be an excuse for postponing attention to the issue. All technical working groups during the colloquium proposed that mediators and parties to negotiations be provided with briefing papers by national and international NGOs on the nature of conflict-related sexual violence in that conflict, the profile of victims and perpetrators, and the impacts produced. It was also felt that, even when such reports are produced, mediation and humanitarian teams should nevertheless engage at an early stage in consultations with sexual violence survivors, relevant CSOs and affected communities in order to understand the extent of the sexual violence and the intent behind its use. The inclusion of subject specialists on mediation teams would help to generate heightened awareness and understanding of the phenomenon. In addition, it was proposed that military observers and peacekeepers develop improved civil–military liaison capabilities in order to generate better information about incidents and patterns of sexual violence.

# 5. Further recommendations

**In the course of the colloquium, stakeholder-specific recommendations were made by participants. These include:**

## **To the Security Council:**

- » The Council should ensure that sexual violence is not included in amnesty provisions contained in any UN-mediated peace agreement; peace deals must not violate international humanitarian law.
- » The implementation of resolution 1820 (2008) should be systematically monitored by tracking the staffing, conduct and results of mediation missions concerning the extent to which they (a) substantively address issues of sexual violence and (b) facilitate the full and equal participation of women and their civil society representatives.
- » The Council should ensure that peacekeeping missions deploying in contexts where sexual violence was a feature of the conflict have explicit mandates, resources and capabilities to protect civilians from sexual violence via a robust security response. When mediators report to the Council, conflict-related sexual violence and steps taken to address it must be raised systematically during questioning.
- » The Council should highlight the need for dedicated senior-level expertise and resources on sexual violence in all mediation efforts.
- » As part of its broader mandate to monitor implementation of resolution 1820 (2008),

the Council and its Working Groups, such as the Expert Group on the Protection of Civilians, should pay particular attention to how the UN responds to the security needs of civilians in the immediate aftermath of conflict, following the signing of a peace agreement.

## **To UN Member States:**

- » Groups of Friends and Contact Groups should consider providing financial support for civil society organizations and technical experts to advocate for the full inclusion of issues of sexual violence in peace processes and for stronger humanitarian service provision for survivors.
- » Member States engaged in supporting peace processes should improve actions on sexual violence by using their leverage to push for women's inclusion in peace negotiations, and supporting the provision of expertise on gender and sexual violence issues to mediation processes.
- » States contributing troops to peacemaking or peacekeeping operations should undertake predeployment training on conflict-related sexual violence and prosecute their nationals who commit sexual exploitation and abuse while deployed. Efforts should



be made to provide female personnel in all peacekeeping categories.

### **To the UN system:**

- » UN actors responsible for supporting women's empowerment should invest in building the capacity of women's groups to engage in peace processes long before conflicts end. This will position them for opportunities to participate in Track I and Track II processes.
- » Rosters of potential women mediators should be developed, vetted and shared with international security organizations. Guidance and training packages for mediators, peacekeepers, judicial personnel and domestic security actors should be developed.
- » UN actors responsible for the training of SRSGs must ensure that they are aware of the multidimensional response required to respond to sexual violence, the different mission components involved and the implications for addressing sexual violence in mediation efforts.
- » UN actors responsible for mediation should include gender advisers and specialists in the analysis of sexual violence as part of mediation teams. Women mediators should be appointed, and more women should be assigned to mediation support teams. Parties to armed conflict should be encouraged to include women in negotiating teams and to hold consultations with women in civil society. Women's engagement in Track I and Track II processes should be supported, including by providing information as early as possible to women's groups regarding plans for peace processes. Numbers of women participating in different roles in Track I and Track II processes should be tracked.
- » UN actors responsible for peacekeeping should mandate, train and equip ceasefire monitoring teams to detect and monitor conflict-related sexual violence; ensure that DDR

and SSR arrangements take sexual violence into consideration; staff ceasefire-monitoring teams and peacekeeping missions with women military observers, civilian–military liaison officers, troops and police; and adjust field operations to ensure that all possible efforts are taken to detect and prevent sexual violence.

- » UN actors responsible for early recovery and peacebuilding should ensure that national capacity is built for addressing the needs of survivors of sexual violence, their families and communities. This must include increased funding to build the capacities of civil society groups representing the needs of sexual violence survivors. These efforts, and particularly fund allocations for these activities, should be tracked.

### **To the Secretary-General:**

- » The Secretary-General's implementation of operational paragraph 3 of resolution 1820 (2008) should include: (a) instructions to those executing his good offices in conflict resolution to raise attention to the need to prevent sexual violence and prioritize security, accountability and immediate and long-term socio-economic services for survivors of sexual violence in conflict; and (b) the development of a strategy for his office and his envoys to raise attention to sexual violence in discussions with parties to armed conflict.
- » Performance assessments of SRSGs should include consideration of the adequacy of efforts to address conflict-related sexual violence.

### **To SRSGs:**

- » SRSGs should systematically include representatives of women's organizations and experts on sexual violence during conflict prevention, mediation, peacekeeping and peace consolidation.
- » SRSGs should include information on how

they are addressing sexual violence in their reports to the Security Council.

- » SRSGs deployed in a conflict-affected country should seek out the advice of women's rights groups and other CSOs that may have information about conflict-related sexual violence, and request, more specifically, briefs on its intent, extent and impact.

### **To civil society organizations and women's groups:**

- » International CSOs should support capacity-building of local CSOs to enable more effective representation of the needs of survivors of sexual violence.
- » International CSOs, local CSOs and relevant UN agencies or other international actors

should collaborate to prepare briefings on sexual violence for mediators and parties to armed conflict as early as possible in a peace process in order to inform them as to the intent, extent and impact of sexual violence.

- » CSOs should support improved media reporting on conflict-related sexual violence.

**“Our first priority must be to include women in peace talks as full and equal partners. If we do not—if we ignore sexual crimes—we trample on the principles of accountability, reconciliation and peace. We fail not just women, but all people.”**

**– United Nations Secretary-General  
Ban Ki-Moon**

## ENDNOTES

- 1 The analysis and recommendations contained in this report were produced during the colloquium deliberations by the participants, and do not represent the official positions of the organizing agencies.
- 2 The 74 participants included nine mediators and Special Representatives of the Secretary-General (SRSGs), 35 UN staff members, 24 representatives from civil society organizations (technical experts and representatives of women's groups), four military commanders, two national politicians and a moderator from the BBC World Service.
- 3 Discussions were conducted under the 'Chatham House rule' of non-attribution to encourage open reflection. The quotations included in this report were approved by the speaker concerned.
- 4 <http://peacemaker.unlb.org/>
- 5 A joint DPKO/UNIFEM study, on behalf of UN Action against Sexual Violence in Conflict, documenting best practices by military peacekeepers in preventing sexual violence and protecting women is included in the collection: 'Addressing conflict-related sexual violence: an analytical inventory of peacekeeping practice.'
- 6 For the definition of sexual violence, see the Preparatory Commission for the International Criminal Court, Elements of Crimes, i.e., Elements of the Crime against Humanity of Rape; Elements of the War Crime of Rape in an International Armed Conflict; Elements of the War Crime of Rape in an Internal Armed Conflict. Rape is just one form of sexual violence, a term which also encompasses forced prostitution, sexual slavery, forced impregnation, forced maternity, forced termination of pregnancy, enforced sterilization, indecent assault, trafficking, inappropriate medical examinations and strip searches.
- 7 LaShawn Jefferson, 'In War as in Peace: Sexual Violence and Women's Status,' *Human Rights Watch World Report*, New York: Human Rights Watch, 2004
- 8 See Kathryn Farr, 'Extreme War Rape in Today's Civil War-Torn States: A Contextual and Comparative Analysis,' *Gender Issues* 26, 2009, 1–41; Elisabeth Jean Wood, 'Variation in Sexual Violence During War,' *Politics and Society* 34, September 2006, 307–342.
- 9 Letitia Anderson, 'Politics by Other Means: When Does Sexual Violence Threaten International Peace and Security?', *International Peacekeeping*, Volume 17, Issue 2, April 2010, pages 244 - 260.
- 10 This has recently been labelled 'extreme wartime rape'; for a comprehensive review of incidence and severity see Farr, 'Extreme War Rape.'
- 11 United Nations Security Council resolution 1820, S/RES/1820, 19 June 2008, paragraph 1. This is a reaffirmation of its groundbreaking predecessor, Security Council resolution 1325 (2000). See particularly operational paragraph 10 of resolution 1325 (2000) on "rape and other forms of sexual abuse."
- 12 See 'Women Targeted or Affected by Armed Conflict: What Role for Peacekeepers?' Summary of Wilton Park Conference, 27–29 May 2008, included in this collection and, available at [http://www.unifem.org/attachments/events/WiltonParkConference\\_SummaryReport\\_200805\\_1.pdf](http://www.unifem.org/attachments/events/WiltonParkConference_SummaryReport_200805_1.pdf); 'Mass sexual violence as a tactic of war, International Center for Transitional Justice, published 24 June 2008, accessed 29 August 2010, <http://www.ictj.org/en/news/coverage/article/1784.html>; Anne Jones, 'The War against Women: A Dispatch from the West African Front, *Tomdispatch.com* (blog), 17 February 2008, <http://www.tomdispatch.com/post/174895>.
- 13 To date, only a handful of peace processes, such as Bosnia and Herzegovina, Sierra Leone, Peru, Guatemala and Colombia, have begun to disburse benefits to survivors of sexual violence in the context of reparations programs. This analysis builds on Ruth Rubio-Marín, ed., *What Happened to Women? Gender and Reparations for Human Rights Violations*, New York: International Center for Transitional Justice, 2006.
- 14 Although Angola was not included in this sample, it should be noted that Dame Margaret Anstee was Special Representative of the Secretary-General in Angola from 1991 to 1992 and mediated the peace process while in that role. Another exception is Graça Machel, who was one of three mediators appointed by the African Union to help resolve the Kenya crisis in 2008.



# Women's Participation in Peace Negotiations

**1325** WOMEN  
COUNT  
**1325** +10 FOR  
PEACE

United Nations  
Development Fund for Women  
**UNIFEM**  
part of UN Women



# Women's Participation in Peace Negotiations: Connections between Presence and Influence

**On the cover: A Lebanese woman who stayed throughout the conflict speaks about the cluster bombs that hit more than 10 meters from her home and are still strewn about. 25 August 2006, Naqoura, Lebanon**

The document was drafted by Pablo Castillo Diaz with significant contributions from Samina Anwar, Hanny Cueva Beteta, Colleen Russo and Stephanie Ziebell.

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# Introduction

**A full decade after United Nations Security Council resolution 1325 (2000) was unanimously adopted, the striking absence of women from formal peace negotiations reveals a troubling gap between the aspirations of countless global and regional commitments and the reality of peace processes.** It has been 31 years since the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 28 years since the UN General Assembly's Declaration on the Participation of Women in Promoting International Peace and Cooperation, 15 years since the UN convened the Fourth World Conference on Women and participating governments issued the Beijing Declaration and Platform for Action, and 10 years since resolution 1325 (2000) made women's participation in all aspects of peacekeeping, peacemaking and peacebuilding part of the remit of the Security Council. This imperative has been reiterated in subsequent resolutions, including 1820 (2008), 1888 (2009) and 1889 (2009), and in several reports of the Secretary-General on mediation and on women, peace and security.

And yet, women's participation in peace processes remains one of the most unfulfilled aspects of the women, peace and security agenda. The review by the United Nations Development Fund for Women (UNIFEM) of a sample of 24 major peace processes since 1992 shows that women represent a strikingly low number of negotiators, and that there has been little appreciable increase since the passage of resolution 1325 (2000). Women's participation in negotiating delegations averaged less than 8 per cent in the 14 cases for which such information was available. Fewer than 3 per cent of signatories in the peace processes included in this sample were women, and women were absent from chief mediating roles in UN-brokered talks.<sup>1</sup> It is thus clear that at the peace table, where crucial decisions about post-conflict recovery and governance are made, women are conspicuously underrepresented.

One illustration of the slow implementation of resolution 1325 (2000) is the fact that many of the most noteworthy examples of women's

participation in peace negotiations took place *before* the Security Council adopted this resolution on 31 October 2000. In the Republic of El Salvador in the 1990s, women were present at nearly all the post accord negotiating tables. One technical table, the Reinsertion Commission, was formed by six women and one man. In the end, women made up one third of the beneficiaries of land redistribution and reintegration packages, which corresponded roughly with the percentage of female members of the Farabundo Martí National Liberation Front (FMLN), either as combatants or as collaborators.<sup>2</sup> In the Republic of South Africa, the Women's National Commission demanded that 50 per cent of participants in the Multi-Party Negotiating Process be women and succeeded in establishing that one out of every two representatives per party had to be a woman, or the seat would remain vacant. Approximately 3 million women across the country participated in focus groups and discussions, and a 30 per cent female quota was

**In the Democratic Republic of the Congo (DRC), women successfully advocated for formal participation in the Inter-Congolese Dialogue—a national convention on political reform and reconciliation convened by all the parties to the conflict—which initially excluded women. UNIFEM conducted a women’s ‘Peace Table’ in October 2001 that resulted in the inclusion of gender issues and women’s participation as substantive items on the official agenda, supported a delegation of African women leaders led by Ruth Sando Perry (former Head of State of the Republic of Liberia) in a peace and solidarity mission to the DRC, and supported 60 women from across the country representing government, rebels, political opposition and civil society to convene in Nairobi, Kenya, in February 2002 for a national forum to harmonize their positions and define a common vision, which materialized in the form of the Nairobi Declaration and Action Plan. When dialogue resumed, 36 out of the 300 delegates to the Inter-Congolese Dialogue were women.**

adopted for the upcoming elections.<sup>3</sup>

In Northern Ireland, women secured a seat at the peace table by forming the first women-dominated political party and winning some seats in the election. The Northern Ireland Women’s Coalition successfully built bridges between Catholics and Protestants and promoted reconciliation and reintegration of political prisoners.<sup>4</sup>

In the Republic of Guatemala, women significantly influenced the talks, in spite of the fact that only two women were included in the negotiating teams of the Guatemalan National Revolutionary Unity and the Government of Guatemala. Civil society participation, including by women’s groups, was strongly supported by the United Nations and the Group of Friends that sponsored the talks. Jean Arnault, the Special Representative of the Secretary-General for Guatemala and mediator of the negotiations, endorsed the formal tabling of women’s concerns and recommendations for the parties’ consideration. Despite the

underrepresentation of women at the peace table, the agreement contained a number of important provisions regarding gender equality.<sup>5</sup>

Several months before the adoption of resolution 1325 (2000), Asha Hagi Elmi formed the women’s Sixth Clan in the Somali Republic to lobby for participation in peace talks in Arta, Djibouti, because the five main Somali clans had all been given a seat at the table but had excluded women. Meanwhile, in the Republic of Burundi, while the 19 parties to the conflict were in the midst of another round of negotiations in Arusha, Tanzania, UNIFEM convened the All-Party Women’s Peace Conference, attended by two women representing each of the warring parties and the seven women who had access to the plenary sessions of the peace talks as observers. The women presented their list of recommendations to the facilitator of the negotiations, Nelson Mandela, and more than half of these recommendations were incorporated into the peace agreement.<sup>6</sup>

Since October 2000, only marginal progress has been made either quantitatively, with regard to the number of women in formal peace processes or the design and conduct of peace talks in ways that would give greater voice to women, particularly from civil society, or qualitatively, as measured in provisions in peace agreements addressing women’s human rights. This in spite of growing participation of women in politics and the security sector, greater awareness about the differentiated impact of war on women and girls and the role they can play in conflict resolution, and evidence that peace negotiations characterized by high civil society involvement are less likely to result in resumed warfare.<sup>7</sup>

UNIFEM and its partners have made this issue an important element of their programming: strengthening women’s cross-national peace coalitions, supporting the inclusion of women in peace talks, providing gender expertise to mediation processes, building women’s voice at donor conferences and other forums that affect



the implementation of peace agreements, and developing guidance on specific topics, such as the neglect of conflict-related sexual violence in mediation processes.<sup>8</sup>

This paper reviews the modalities of engagement that have been used in various peace processes to enhance women's participation or the availability of gender expertise. It summarizes women's demands during peace negotiations as articulated in statements and declarations, assesses

the gender-related content of peace agreements and offers recommendations for the way forward. The findings outlined here will not be news to advocates and activists, but can provide a useful reality check to donors, policymakers and those within the UN and regional organizations upon whom rests the obligation to address the disparity between the goals of resolution 1325 (2000) and the reality of women's participation in peace processes.

## Getting to the peace table

**As indicated in the Table 1, the average numbers of women participating in peace negotiations in official roles—as negotiators, mediators, signatories or witnesses—remain notably low.** Data on numbers of women in peace talks are scarce, as this information is not consistently tracked by any authority. A limited but reasonably representative sample of 24 major peace processes since 1992 reveals that only 2.5 per cent of signatories, 3.2 per cent of mediators, 5.5 per cent of witnesses and 7.6 per cent of negotiators are women. These findings can be cross-checked with a similar study undertaken in 2008, which scanned 33 peace negotiations and found that only 4 per cent of participants—11 out of 280—were women, and that the average participation of women on government negotiating delegations was, at 7 per cent, higher than on the delegations of non-State armed groups.<sup>9</sup>

These figures indicate that the underrepresentation of women at the peace table is much more marked than in other public decision-making roles, where women are still underrepresented but where the gap has been steadily narrowing. This includes the roles that typically dominate peace talks: politician, lawyer, diplomat and member of a party to armed conflict.

The absence of women in formal roles in peace processes poses one set of problems; the parallel scarcity of women's civil society groups with consultative access to negotiators and mediators poses another. Women's groups often represent and voice women's priorities and concerns, and indeed are more likely to do so that women within negotiating delegations, who are bound to their particular party's interests. A strong case can be made for the involvement of women's groups in

some structured way that ensures a hearing for their perspectives, since (a) there is a correlation between more inclusive and open models of negotiations and a higher likelihood that the outcome agreements will hold and conflict will not return, and (b) there is a correlation between the organized participation of women's groups and greater gender-sensitivity of the text of the agreements, which only enhances their comprehensiveness and legitimacy. Furthermore, one can reasonably assume—although this cannot be proved due to the very small number of cases to date—that the empowerment, mobilization and involvement of women's groups during the peacemaking phase can only support their engagement and contributions during the always-difficult phase of implementation and peacebuilding.

**Table 1. Women's participation in 24 peace processes (1992 - 2008)**

		Women Signatories	Women Mediators	Women Witnesses	Women in Negotiating Teams
1	<b>El Salvador (1992) – CPA</b> <i>Chapultepec Agreement</i>	12%	0%	—	13%
2	<b>Croatia (1995) – CPA</b> <i>The Erdut Agreement</i>	0%	0%	0%	11%
3	<b>Bosnia (1995) – CPA</b> <i>The Dayton Accords</i>	0%	0%	0%	0%
4	<b>Guatemala (1996) – CPA</b> <i>Agreement on a Firm and Lasting Peace</i>	11%	0%	—	10%
5	<b>Northern Ireland (1998) – Belfast</b> <i>Good Friday Agreement. Multi-Party Agreement</i>	10%	0%	—	10%
6	<b>Kosovo (1999) – Interim Agreement</b> <i>Interim agreement for Peace and Self-Government in Kosovo (The Rambouillet Accords)</i>	0%	0%	0%	3%
7	<b>Sierra Leone (1999) - CPA</b> <i>The Lomé Peace Agreement</i>	0%	0%	20%	0%
8	<b>Burundi (2000) – Arusha COH / CSF / CPA</b> <i>Arusha Peace and Reconciliation Agreement for Burundi</i>	0%	0%	—	2%
9	<b>Papua New Guinea (2001) - Bougainville PAC</b> <i>Accord Papua New Guinea</i>	7%	0%	—	4%
10	<b>Macedonia (2001) – CPA</b> <i>The Ohrid Peace Agreement</i>	0%	0%	0%	5%
11	<b>Afghanistan (2001) – Bonn CPA</b> <i>Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions</i>	9%	0%	—	9%
12	<b>Somalia (2002) - Eldoret COH / CSF</b> <i>Declaration on Cessation of Hostilities and the Structures and Principles. Principles of the Somalia National Reconciliation Process</i>	0%	0%	0%	—
13	<b>Cote d'Ivoire (2003) – CPA</b> <i>Linah-Marcoussis Peace Accords</i>	0%	0%	0%	—
14	<b>DRC (2003) - Sun City CPA</b> <i>The Sun City Agreement ("The Final Act")</i>	5%	0%	0%	12%
15	<b>Liberia (2003) – Accra COH / CSF / CPA</b> <i>Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy, the Movement for Democracy in Liberia and the political parties</i>	0%	0%	17%	—
16	<b>Sudan (2005) - Naivasha CPA</b> <i>The comprehensive peace agreement between the Government of the Republic of Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army.</i>	0%	0%	9%	—
17	<b>Darfur (2006) – Abuja CPA</b> <i>Darfur Peace Agreement</i>	0%	0%	7%	8%
18	<b>Nepal (2006) – CPA</b> <i>Comprehensive Peace Agreement between the Government of Nepal and the Communist Party of Nepal (Maoist)</i>	0%	—	0%	0%
19	<b>The Philippines (2007) – IAG</b> <i>Communique on the Tripartite Meeting between the GRP, MNLF and OIC</i>	0%	0%	—	—
20	<b>DRC (2008) - Goma - North Kivu CSF</b> <i>Acte D'Engagement</i>	5%	20%	0%	—
21	<b>DRC (2008) - Goma - South Kivu CSF</b> <i>Acte D'Engagement</i>	0%	20%	0%	—
22	<b>Uganda (2008) – Juba COH / CSF / IAG</b> <i>Juba Peace Agreement</i>	0%	0%	20%	9%
23	<b>Kenya (2008) – Nairobi</b> <i>Agreement on the Principles of Partnership of the Coalition Government</i>	0%	33%	0%	25%
24	<b>Central African Republic (2008) – CPA</b> <i>Accord de Paix Global</i>	0%	0%	0%	—

Documented presence of women

No presence of women documented

Official sources not available

Given that there are so few peace agreements that include any reference to gender—let alone treat gender-related issues comprehensively in the provisions of the accord—it is difficult to assert with confidence the specific conditions under which women’s participation in peace agreements can result in better outcomes for the sustainability of peace or for the representation of women’s interests.

A small sample of cases can provide examples of approaches that have been tried to make women’s participation more effective, as measured by the incorporation of women’s priorities and demands in the text of the peace agreement. First, women continue to be overrepresented in groups that agitate for peace and mobilize communities and society to demand that parties to the conflict lay down their arms and reach a negotiated agreement. This informal role, which is crucial and needs to be protected and supported, often gets some recognition. Second, when individual women are placed in formal, official roles at the peace table—particularly as gender advisers to the mediation team, or legal professionals aiding the mediation teams or the party delegations—their impact on the language of the text and the inclusion of provisions specific to women is frequently very high. Finally, organized women’s groups have formed broad-based peace coalitions to lobby for a seat at the table and articulate women’s demands in declarations and statements. The effectiveness of this last strategy can be enhanced if (a) the women’s coalition is broad-based and truly representative (it should be noted that in some contexts this is not feasible); and (b) a mechanism has been worked out in advance—that is, at the beginning of the process or even before it has started—to ensure that the coalition’s views systematically find their way to the peace table. Otherwise, women’s groups risk spending their energy throughout the process trying to secure such an entry point, often succeeding only belatedly in obtaining a non-speak-

ing observer role with limited influence over the outcome of the text. Even when these conditions are in place, resources are still needed to ensure that women’s civil society groups are informed and receive logistical support.

Meanwhile, the UN and Member States have a responsibility to address the absence of incentives and accountability mechanisms that would facilitate the identification and appointment of qualified women candidates as chief mediators and technical experts to mediation teams, and that mediation experts receive adequate training and guidance material on gender issues across the range of subjects addressed in peace negotiation.

When reviewing patterns of women’s participation in peace processes, one must carefully distinguish between individual women filling an official role in the peace talks and those who participate on behalf of women as a social group—that is, speaking as part of a coalition of representatives of women’s civil society or community groups.

The list that follows summarizes the various modalities through which women have participated in peace processes:

1. **As mediators or as members of mediation teams:** The United Nations has never officially appointed a woman to be the chief mediator of a peace process. It should, however, be noted that a number of women have played a lead mediation role in recent decades. Dame Margaret Anstee was the Special Representative of the Secretary-General in the Republic of Angola in the early 1990s and served as lead mediator during part of the UN-led peace process. Similarly, a few years later, Dame Ann Hercus conducted shuttle talks in the Republic of Cyprus when she was the Special Advisor of the Secretary-General. In 2008, Graça Machel, a member of The Elders,<sup>10</sup> was one of three mediators in the peace negotiations, led by the African Union

(AU), that ended the post-election crisis in the Republic of Kenya. In 2004, Betty Bigombe, on her own initiative, worked as an unofficial mediator between the Government of the Republic of Uganda and the Lord's Resistance Army (LRA), laying the groundwork for the official peace talks in Juba a few years later.

2. **As delegates of the negotiating parties:**

The composition of delegations in peace negotiations is fluid and variable, and thus strict numbers are difficult to track. But in the cases for which such information is available, percentages of women's participation in delegations vary from zero to 25 per cent. The 2008 peace talks in Kenya were an example of strong women's representation: two of the eight delegates to the post-election peace talks were women, and Martha Karua led the Government's negotiating team. Other peace talks involved multiple parties and larger numbers of delegates. Women made up 40 out of 340 delegates in the 2003 talks leading to the Sun City Agreement in the DRC. Of the 132 delegates who participated in the Abuja talks that led to the Darfur Peace Agreement, 11 were women. Their influence on the outcome varied. For example, women took part in both the 2006–2008 Juba peace talks between the Government of Uganda and the LRA and the various rounds of negotiations to end the conflict between North and South Sudan. The three female delegates in Juba, however, reportedly had a greater influence on the introduction of gender-related language in the agreements than the few women who were included in the delegation of the Sudanese People's Liberation Movement, who were often co-opted on short notice and ignored. Indeed, Sudanese women's organizations were

at one stage reduced to pushing their position papers and recommendations under the closed doors of the negotiation room.<sup>11</sup>

It is not always true that women in these negotiating teams employ a gender perspective or advocate for provisions in the text that would improve the situation of women. However, the example of Luz Méndez, delegate for the Guatemalan National Revolutionary Unity party (URNG) during the Guatemala peace talks in the mid-1990s, shows how a delegate can negotiate not only on behalf of her own party, but on behalf of all women. Influenced by her strong ties to civil society and the Fourth World Conference on Women in Beijing in 1995, Méndez made significant strides for the women of her country by advancing a number of gender equality concerns and ensuring that they were addressed in the agreements.

3. **As all-female negotiating parties representing a women's agenda:**

This approach is famous for its successful use in Northern Ireland, but it can be difficult to replicate in other contexts due to the very specific circumstances of the 1998 Northern Ireland peace talks. The particular design of the electoral system that determined the composition of the multi-party peace negotiations gave Monica McWilliams and May Blood the opportunity to represent a newly created party, the cross-community Northern Ireland Women's Coalition, at the 20-member negotiating table. Elections were held to distribute seats in the 110-member Northern Ireland Forum for Political Dialogue, and two seats were reserved for representatives of the top ten parties. Despite the relatively low number of votes obtained, the

women's party was among the top ten most-voted parties and obtained two seats in the consultative forum and two seats—accorded equally to each party represented in the larger forum—at the negotiating table.<sup>12</sup>

4. **As signatories:** A strikingly low number of women have actually been signatory to the text of accords. Two women, Ana Guadalupe Martínez and María Marta Valladares, signed the Chapultepec Agreement that put an end to the conflict in El Salvador in the early 1990s—a sign of the comparatively high level of representation of women in the leadership of the FLMN. Two women, Sema Wali and Amena Afzali, also signed the Bonn Agreement in 2001. The women were invited as part of the delegation of the former monarch, Mohammad Zahir Shah, in contrast with the all-male delegations representing the Tajiks, Uzbeks and Hazaras of the Northern Alliance, on one hand, and the Pashtuns on the other. Sometimes, the individual is signing on behalf of women, rather than as a delegate who happens to be female. This was the case of Asha Hagi Elmi, who became the first ever female signatory to a peace agreement in Somalia in 2004.<sup>13</sup> She had earned her participation in the peace talks two years earlier in Eldoret as the representative of the Sixth Clan, created in 2000 out of a network of women with cross-clan marriages, which grew to represent the pan-Somali women's movement. The Sixth Clan sought representation at the talks in response to the fact that none of the five traditional Somali clans had included women in the negotiations.
5. **As witnesses:** Very often, peace negotiations are officially witnessed by an individual or group of individuals who attend

the signing ceremony and may or may not have attended the rest of the talks. In most cases, they also sign the agreement, normally on behalf of the country or countries sponsoring or facilitating the talks. For example, Heidi Johansen representing Norway and Anna Sundström as European Union representative for the Great Lakes region participated as formal witnesses through various stages of the Juba peace talks. This category, however, is much less relevant than the others, given their ostensibly representational role and limited input into the process and the content of the accords.

6. **As representatives of women's civil society with an observer role:** This is one of the most sought-after forms of engagement by women in peace talks, and yet the one that yields the most uneven results. In Liberia, a delegation of eight women from the Liberia chapter of the Mano River Women's Peace Network, led by Ruth Sando Perry and Theresa Leigh-Sherman, participated in the peace talks in 2003 as official observers without the power to speak or vote. At a later stage, in Accra, Ghana, the Liberian Women in Peacebuilding Program (WIPNET) was also granted observer status, but they had a greater impact as agitators for peace, both during many months of restless social mobilization, sit-ins, vigils and demonstrations, and by physically impeding the delegates from leaving the site of the talks without signing the peace agreement, as powerfully depicted in the 2008 documentary *Pray The Devil Back To Hell*.<sup>14</sup> The various groups of women observers to the talks had convened a one-day meeting shortly before the signing and produced the 'Golden Tulip Declaration' (named after the hotel where they had met), which sum-

marized women's demands and aspirations. However, the women advocated for peace rather than demanding specific provisions on gender justice, which they feared would derail the process.

Similarly, two different women's coalitions from Uganda were granted official observer status in Juba, but this was also at the end of the process and without a speaking or consultative role. Their influence had been much greater through the previous tabling of women's implementation protocols to complement the agreements, facilitated by their regular contact with the UNIFEM gender adviser to the UN Special Envoy to the talks, the legal experts in the mediation team and the women who were part of the negotiating delegations.

In the 2000 talks for Burundi, seven women were, also belatedly, granted observer status after many months of exclusion despite their intense lobbying. Even though other civil society representatives had been given observer status, women were excluded on the grounds that no group could claim to represent women or speak on behalf of all Burundian women. They stood in the corridors during sessions and lobbied the international community, including donor countries, regional leaders and African women's rights organizations, but it was only after they managed to meet the chief mediator, Mwalimu Julius Nyerere, that they were able to hold a special session with the heads of the 19 negotiating parties, present their case and, after initial rejection, finally be allowed in the room. Nyerere's successor, Nelson Mandela, continued to engage women's groups and facilitate their inclusion in the talks. In the end, all the female delegates and observers held a four-day All-Party

Burundi Women's Peace Conference in July 2000 and drafted a declaration with proposals for the final agreement. These were submitted to Mandela, and most were incorporated into the comprehensive peace agreement.

**7. In a parallel forum or movement:**

Holding a parallel peace conference is one of the most frequent methods employed by women, often not by choice or design, but as a reaction to women's exclusion from the official peace talks. In 2000, nearly 500 women convened at the first All Acehese Women's Congress, distributed their 22 recommendations to the various parties, including the President, and lobbied for the involvement of women in the negotiations, which were then being facilitated by the Henry Dunant Centre for Humanitarian Dialogue. Despite their efforts, the five-year process culminating in the 2005 Memorandum of Understanding between the Government and the Free Aceh Movement (*Gerakan Aceh Merdeka / GAM*) is striking for the total absence of women. This had important consequences, including very low representation of women in the post-agreement implementation bodies. In the first list of compensation recipients, which contained 3,000 names, there was not a single woman, despite the ubiquitous photos of the GAM women's wing used in media campaigns.<sup>15</sup>

A second All Acehese Women's Congress was organized in June 2005, with strong technical and financial support from UNIFEM. After several preparatory meetings to help local women articulate their concerns, over 400 women spoke up about their priorities and issues, including the lack of consultation in key decisions such as relocation, land own-

ership, relief distribution and inadequate protection for displaced women and girls in temporary accommodations. A similar approach has been used in many countries—including for donor conferences in which the international community pledges its financial support to peace agreements—namely, to draw up an agreed list of demands or concerns, call attention to the absence of women in the formal process and occasionally shame the participants of the official talks into giving one of their representatives an opportunity to speak or introduce these declarations of priorities in the record of the proceedings.

Finally, as an example of social mobilization, in Uganda, the Uganda Women's Peace Coalition formed a Women's Peace Caravan in 2006. They took the UNIFEM women's peace torch from Kampala through Uganda all the way to the site of the peace talks, in Juba, Sudan, to protest the underrepresentation of women in the peace negotiations.

8. **As gender advisers to mediators, facilitators or delegates:** This is one of the most effective strategies if the goal is to ensure the inclusion of adequate gender-related provisions in the text of the agreement. In Uganda, the UNIFEM gender adviser to the Secretary-General's Special Envoy to the LRA-Affected Areas in Uganda was able to play the double role of influencing the Special Envoy and the other parties to the negotiation on the one hand and, on the other, aiding the women's peace coalition to conduct consultations and develop women's protocols for each subject to accompany the accords. The multiple agreements yielded by the Juba peace talks contain a number of gender-equality provisions. There is a striking differ-

ence in the language of the agreements between the earlier accords and the later ones, dating from the point at which the women's coalition had begun to be able to articulate and communicate their views to the parties. Unfortunately, the final peace agreement was never signed by the LRA, but the network of women's organizations has continued to act in unison by tracking the implementation of the Peace and Reconstruction Development Plan for Northern Uganda.

Similarly, UNIFEM seconded a gender expert to the mediation team in the Abuja peace talks for Darfur in 2006. In addition to facilitating the formation of a Gender Expert and Support Team (GEST) and the involvement of the female delegates in the drafting of women's priorities, the gender expert helped to cement a common gender platform that was largely incorporated in the text of the Darfur Peace Agreement, including gender-responsive provisions on wealth sharing and land rights, physical security, affirmative action and special measures, and women's participation in the disarmament, demobilization and reintegration (DDR) programme.

9. **As members of technical committees, or a separate table or working group devoted to gender issues:** Having the opportunity to work out the technical details of the implementation of agreements is frequently one of the most desirable modalities of women's participation—assuming that engagement in such technical committees or forums entails a channel for formal reporting to the peace table. In Sri Lanka in 2002, women succeeded in establishing a sub-committee on gender formed by women appointed by the negotiating parties. This sub-committee was one of several the-

matic groups formed to address areas of specific concern, and its remit included the right to address the negotiators in plenary session to, in this case, transmit women's concerns, recommendations and demands.

In El Salvador in the early 1990s, women were present at nearly all post-accord technical tables that worked out the implementation details of the agreement; this made an important difference in enabling them to refine technical details to facilitate implementation of their priorities.

In Guatemala in 1996, women were part of a much broader consultative Assembly of Civil Society with regular channels of communication with the participants of the peace talks and with the right to review and comment on the contents of the peace accords in step with the drafting process. This strategy is advisable if women are in a reasonably strong position in civil society and can hold their own in competition with other civil society interests. In contexts where their voice is muted by more powerful interest groups or members of civil society, it is perhaps advisable to have a separate gender expert group with an advisory function, as in Sri Lanka or Darfur.

It is impossible to prescribe which approach works best for each situation. Every peace process is unique, and opportunities and methods of women's engagement are shaped by the political culture, the strength and coherence of the

women's peace movement, the duration of the war and the extent to which it has exhausted or dissipated the women's movement, the type of international support and resources supplied, and so on. Furthermore, one cannot dismiss the enormous difference that exceptional individuals can make, from the mediators that took it upon themselves to facilitate women's access to peace talks—like Arnault in Guatemala, Nyerere or Mandela in Burundi, Annan in Kenya—to the women who charted their own path, like Anne Itto in South Sudan, Pampha Bhusal in Nepal, Teresita 'Ging' Deles in the Republic of the Philippines, or Asha Haji Elmi in Somalia.

Regardless of strategy of choice or circumstance, there should be standard practice in mediation that ensures that mediators consult with women and help them determine the best means of engagement for civil society groups, and routinely explain to negotiating delegations the merits of including women delegates, as well as encouraging them to do so. Furthermore, despite the diversity of contexts, there is a growing body of demands and priorities articulated by women of all backgrounds in different conflict situations. Even when they fail to make their way into the text of a peace agreement or persuade donor countries to pay attention to gender issues during the implementation of the accords, they serve as a powerful reminder of women's distinct concerns and stand as moving testimony to women's right to represent their interests in peace processes—precisely because if women do not represent their concerns, others do not, and an important set of issues remain neglected.



# Women's demands in peace processes

**In spite of the low levels of female participation in peace talks, the resistance that women often face and the exhaustion of conflict-affected women and girls, women have continued to find creative ways of expressing their concerns in peace processes.** When excluded from the peace table venue, women have held parallel processes of their own. When locked out of the rooms where decisions are made, women have pushed their position papers and their recommendations through the gaps under the doors. When ignored, they have approached decision-makers on airport tarmacs to get a meeting, or barricaded the meeting room to force the delegates to reach a settlement, as in Liberia in 2003. When silenced, they have taken to the streets and even the chamber of the UN Security Council to make themselves heard.

Sometimes, women's demands and priorities are proactively drawn up by women from both the negotiating teams and women's civil society groups, as in the Nairobi Declaration prior to the Sun City talks. Sometimes, women's demands are summed up in a memo or a letter, making their way to the peace table via the mediator or the facilitator, such as Kofi Annan as chief mediator of Kenya's post-election crisis or Ian Martin as the Secretary-General's Special Envoy in the Democratic Republic of Timor-Leste. Sometimes women's demands are technical and specific, and sometimes they are beautiful and inspiring, like the 2008 declaration by Congolose women that expressed their outrage in a simple poem called 'Je dénonce' (I denounce). Sometimes these statements show a close knowledge of UN planning processes, as when they ask for situation analyses and needs assessments fo-

cused on women and girls and using gender-disaggregated data. And sometimes, like in Aceh, Kosovo, or South Sudan, the demands are not agreed, drafted or communicated until the implementation phase, after the accords have been signed. But even in their diversity, when women's organizations come together to draft a set of priorities or demands, one can observe some common themes and recommendations that are repeated in most declarations, even if formulated slightly differently.

On security and protection, women demand that gender-based violence be understood as a violation of the ceasefire and monitored as such, gender training at all levels for national or international armed forces, gender-sensitive security sector reform and DDR, special measures for the protection of women refugees and internally

displaced persons, and an end to the proliferation of small arms and light weapons. In approximately 75 per cent of their demands, women have highlighted sexual violence as a special concern, which contrasts with the scarcity of explicit mentions of sexual violence in the text of peace agreements. Women's recommendations often include examples of how to implement their demands, for instance by establishing quotas for women in the police, the military forces and ceasefire-monitoring teams, vetting perpetrators, or providing international peacekeepers with a robust mandate that emphasizes protection of civilians. Women's platforms often highlight matters that are of special concern in a given context, like anti-personal mines in Afghanistan, violence and threats against women's human rights defenders in the DRC, or child recruitment in the Republic of Sierra Leone.

With regard to participation, women demand a seat at the peace table and increased political participation post-accord, at both local and national levels, and often in the form of quotas, affirmative action measures or non-discrimination guarantees, as well as the establishment of national gender machineries at ministerial level. Peace processes are indeed seized as an opportunity to transform the political landscape of society, increase women's political participation and representation in elections, and advocate for the appointment of women in decision-making bodies, from cabinets and parliaments to commissions implementing specific provisions of the accords (e.g., reconstruction, return and reintegration, and reconciliation commissions) and key administrative bodies (like the Petroleum Commission in the Republic of Sudan). Some of the examples highlighted below show that women activists are not content with last-minute acceptance of their attendance as observers, and that the request for gender expertise in mediation teams is independent from the rightful inclusion of women at the peace talks. (see p.14)

On economic empowerment, reconstruction and socio-economic recovery, women's civil society organizations generally emphasize land and inheritance rights, access to credit (including grants and interest-free loans), access to education for women and girls, a strong investment in skills-training and capacity-building, and special attention to the needs of female-headed households. Mindful that women's exclusion from power-sharing and wealth-sharing deals at the peace table and in national government, along with the relatively low priority assigned to women's recovery needs, can result in low levels of funding for gender-related spending, they demand consideration of the special needs of women during repatriation, rehabilitation, reintegration and post-conflict recovery, and ask for earmarks and special measures and funds. This is a recommendation that is increasingly voiced during donor conferences, in which the international community pledges or renews its financial support for the implementation of peace agreements. For example, on the eve of the Oslo Donors Conference for Sudan in April 2005, fifty Sudanese women from all parts of the country asked for the establishment of a women's fund within the Multi-Donor Trust Fund, specifically devoted to financing women-specific programmes, and demanded that women's organizations be accorded a formal role in the management and disbursement of funds. These statements sometimes include detailed sections on health and education. (see p.15)

## Examples of women's demands on security and protection

Brussels Action Plan: Roundtable on Building Women's Leadership in the Reconstruction of Afghanistan (10–11 December 2001).

"Enhance and accelerate gender-sensitive mine action..., with a special emphasis on mine clearance, mine awareness, assistance, and rehabilitation."

Statement by Women Activists in the DRC (Kinshasa, May 2009).

"In fact, despite several resolutions adopted by the UN for the protection of women before, during, and after conflict, women and girls, particularly the activists, are increasingly threatened, intimidated, attacked, and even killed because of their will to defend sexual violence victims."

A Call for an End to the Armed Conflict in Sierra Leone and for Steps to be Taken to Bring Lasting Peace (Addis Ababa, 28 January 1999).

"We condemn the abduction and use of children as armed combatants. The use of children is a strong factor in the perpetuation of violence and in the disintegration of societal norms and traditions. This is in violation of both the African and international conventions on the rights of children and is a scourge for our future."

Women's Recommendations on Demobilization, excerpted from the Agenda of the Uganda Women's Coalition for Peace (2006).

"Recruit female military observers to oversee the screening process for women associated armed forces and groups.

Ensure that cantonment sites are women-friendly—that they are safe and provide healthcare, childcare, and training. Establish secure centers for women, and provide health services and access to education on sites.

Allow women combatants to report to women field workers and train support workers to recognize and address women's needs.

Give women the option of registering separately and obtaining separate ID cards.

Utilize gender-disaggregated data to identify the socio-economic profile of groups.

Allocate special funds for women and provide financial assistance to women combatants and associates separately from their male family members.

Inform women of benefits available to them and their legal rights.

Protect women from gender-based violence within sites and during transport home.

Recruit and train women ex-combatants for positions in the police and security forces."

Women's Priorities in the Peace Process and Reconstruction in Darfur (Abuja, 30 December 2005).

"Establish a civilian police with women constituting not less than 30% of the force.

At least 30% of those recruited into the regular forces and judicial organs should be women.

For purposes of admission into military academies and institutions, there should be positive discrimination in favor of the best female students from Darfur."

Key Principles from Afghan Women for the National Peace Jirga (Kabul, May 2010).

"Reintegration packages must not be targeted to individual fighters, but rather should benefit the whole receiving community, to create incentives for communities to engage in rehabilitating combatants and their families. Reintegration packages could include funding for schools, employment schemes, and vocational training.

Families, rather than individual combatants, should be reintegrated in order to support community recovery and healing.

Security sector reform efforts should include the six actions set out by the National Action Plan for Women of Afghanistan—affirmative action, gender-responsive budgeting, human rights and training, gender planning tools, specific focus on gender-based violence, and a culture of peace—and should achieve at least a 20 per cent increase in women's employment in five years.

Women should be represented in national security sector oversight bodies such as the parliamentary defense committee and the National Security Council."

## Examples of women's demands on participation

Final Declaration of the All-Party Burundi Women's Peace Conference (Arusha, 20 July 2000).

"We, the women of Burundi, participants and observers to this conference... deplore the fact that women of Burundi were not included in the negotiations until this very late stage."

The Golden Tulip Declaration of Liberian Women Attending the Peace Talks in Accra (15 August 2003).

"That women leaders who are currently observers at the Accra Peace Talks be made delegates and be given voting rights, including placement on the Vetting Committee."

Women's Memorandum to the Mediation Team in Kenya (Nairobi, 25 January 2008).

"That a local gender advisor be appointed to provide the necessary expertise to the team of mediators. There is sufficient expertise within the women's movement in Kenya in the fields of gender, children's rights, women's rights, and conflict transformation."

Women's Priorities in the Peace Process and Reconstruction in Darfur (Abuja, 30 December 2005).

"Accord women all the rights stipulated in the Interim Constitution of the Republic of the Sudan as well as in international and regional instruments. Empower them to participate and be represented at all levels of decision making, while ensuring that such representation is to the tune of 30% at national level, and 50% at Darfur governance level, in accordance with the agreement to be concluded between the Government and the Movements.

### » Executive Organs:

- › The Presidency: Women to be appointed Presidential Assistants and Representatives, as well as the Assistants and Representatives to the two Vice Presidents.
- › Council of Ministers: Women to be appointed to senior positions in Ministries especially such strategic Ministries as Finance, Economic Planning, Energy, Education, Higher Education and Scientific Research as well as the Census Board and Urbanization Department.
- › Women to be appointed to senior positions in all Commissions, especially key ones such as the Petroleum Commission.

### » Legislative Organs:

- › Women to participate effectively in the Parliament and be appointed Chairpersons of Specialized Commissions.
- › Women to participate actively in the National Electoral Commission.

### » Judicial Organs:

- › Women to participate effectively in the National Judicial Commission and other Judicial Bodies.
- › Women from Darfur to be appointed to senior positions within the Judicial Structure and the Office of the Attorney General..."

Letter to Special Envoy Ian Martin from Women's Network in Timor-Leste (7 July 2006).

"To facilitate a review of the draft electoral law to include an affirmative action clause with a provision of minimum 30% target for women's inclusion in winnable positions in political party lists, and to guarantee women's participation as independent candidates..."

- › Ensure that women candidates have access to means of communication, including electronic, radio, and television.
- › Establish a National Electoral Commission.
- › Develop a gender strategy for the electoral process."

## **Examples of women's demands on economic empowerment, reconstruction and socio-economic recovery**

Brussels Action Plan: Roundtable on Building Women's Leadership in the Reconstruction of Afghanistan (Brussels, 10–11 December 2001).

“Ensure food security for women by involving them in the design and distribution of food and water programmes, including women and their families in rural areas and camp situations...

Provide immediate support for women's psycho-social health care, disability, emergency and reproductive health needs, including those related to HIV/AIDS.

Provide refresher and new courses at village and neighborhood level to train women in health services, including health-education, child-delivery and mother-child health-care.

Provide scholarships and specialist training for women physicians in the field of gynecology, internal disease and surgery...

Prioritize the rebuilding of girls' schools and build new schools equipped with all necessary supplies, tools and materials, including provision of school feeding.

Revise existing primary, secondary and high school textbooks from a gender perspective and ensure the printing and distribution of primary, secondary and high school textbooks.

Provide scholarships and support to university departments of Islamic studies to promote progressive and enlightened Islam teachings.

Support scholarships and education in foreign languages in order to enable Afghan women to use their existing skills more effectively in the reconstruction of Afghanistan.

Provide computer equipment, national and international network facilities, as well as advanced relevant training for women.

Provide kindergartens, playgrounds and mother-child-care centers to enable mothers to take up and enjoy employment opportunities.”

Women's Recommendations on Resettlement, excerpted from the Agenda of the Uganda Women's Coalition for Peace (2006).

“Government should sit and discuss with clan, cultural, and religious leaders to map out strategies for resettling people in the land of their family or clan and explore other options of land ownership other than limiting their solutions to customary ownership, because this ownership tends to leave out the women and children.”

Key Principles from Afghan Women for the National Peace Jirga (Kabul, May 2010).

“Aid should be monitored to track its effectiveness in promoting women's rights and gender equality. Donors should ensure that a certain amount of funds are dedicated specifically to the promotion of women's rights and addressing their urgent needs.”

On justice and reparations, women's statements seek accountability for gender-based violence and other violations of women's rights and an end to impunity, especially for crimes of sexual violence in war. They insist on women's participation in transitional justice processes and in management of the disbursement of reparations or compensation. The need for guidelines to clarify the relationship between the traditional or customary and the formal legal systems is also mentioned. This may take the form of calls for the establishment of independent human rights commissions, as in Afghanistan, or a fact-finding mission by the Special Rapporteur on Violence Against Women, as in the Republic of Zimbabwe. In Afghanistan in particular this question is very salient, as women demand that their rights not be traded away in exchange for reconciliation with and reintegration of the Taliban. Sometimes, however, this call for justice is muted (as in Liberia) or postponed (as in Uganda) under the impression that efforts to hold perpetrators accountable could undermine the possibility of putting an end to the conflict. (see p.17)

Just as important, women's recommendations often include an explicit demand that the national

Government, even if only symbolically, recognize or acknowledge the special impact of the conflict on women and girls, and the role that they have played to keep communities together or make peace. Knowing the limited capacity of the State and the international community to implement the ambitious provisions of peace agreements and reach communities in remote areas affected by the war, they demand that civil society be strengthened and their capacity built so as to effectively fulfill their role.

Women's coalitions have been successful to various degrees in having their recommendations incorporated in the text of peace agreements, i.e., in their statements and declarations of principles and priorities. Even if adding such provisions does not automatically mean that they will be implemented properly, if at all, their mere inclusion can enhance the legitimacy or perceived fairness of the agreement vis-à-vis the general population, provide civil society and other actors with some leverage for future advocacy during the implementation phase, and contribute to changes in the normative understanding of what peace processes should be like and what should be the subject of peace accords.

## Examples of women's demands on justice and reparations

Final Declaration of the All-Party Burundi Women's Peace Conference (Arusha, 20 July 2000).

"It pains us very much that we and our daughters have suffered war crimes such as rape, sexual violence, prostitution and domestic violence that have gone unrecognized and unpunished. We ask that this agreement put an end to impunity."

Women's Memorandum to the Mediation Team in Kenya (Nairobi, 25 January 2008).

"An independent investigation into the trigger event to establish the truth of what happened, the outcome of which should be tailored to establishing a political solution to the current impasse and restoring public confidence in Kenya's institutions of democracy. Any agreement should be backed by the force of law and ensure women's participation as key actors."

Key Principles from Afghan Women for the National Peace Jirga (Kabul, May 2010).

"Commitments must be made to ensure safe conditions for women to engage in planned or future truth, reconciliation, or judicial processes. This will require mechanisms to establish complete confidentiality of witnesses, and training and preparation of judicial personnel to process these cases in ways that protect the dignity of the affected. Any reparations programme should ensure provision of reparations to women who have been the direct victims of the conflict. Reparations must be provided in a non-stigmatizing way that does not expose the identities of women recipients. Community reparations may be a viable option in this regard."

Women's Recommendations on Accountability and Reconciliation, excerpted from the Agenda of the Uganda Women's Coalition for Peace (2006).

"Propose that Government deals with first things first, which at the moment is the peace process. In this regard, Government should guarantee the safety of the LRA within its spheres of operation and request the UN and the ICC to give the peace talks a chance by stalling their request."

# Textual inclusion: The gender-related content of peace agreements

**Ten years after the adoption of resolution 1325 (2000), gender-blind peace agreements are still the norm, rather than the exception.** Many peace accords include a general equality clause and non-specific references to human rights guarantees and international treaties, but rarely mention quotas or other special measures to reverse women's exclusion from decision-making, nor allocate responsibility to monitor that equality is indeed achieved. Sexual violence is also often absent from accords, even in conflicts where widespread sexual violence has been employed as a tactic of warfare. Peace processes typically package several peace agreements over time, sometimes developed in quick succession and dealing with different themes or stages, and sometimes spanning longer lapses reflecting the repeated breakdowns and resumptions of the process. Out of approximately 300 peace agreements reviewed by UNIFEM—roughly corresponding to 45 peace processes since 1989—only 18 make mention of sexual gender-based violence, and even fewer set out concrete steps to ensure that perpetrators are held accountable, or offering redress to the survivors. Women's access to and ownership of land, or their stake in wealth-sharing provisions, almost never appears in the text of a peace agreement. Many accords refer to women alongside children, the elderly, the displaced and the disabled as a vulnerable group requiring special assistance, although not specifying what type of assistance or how will it be provided. Disappointingly, the general picture has improved only slightly since 2003.<sup>16</sup>

A thorough and systematic review of 585 peace agreements that have resulted from 102 peace processes in the last two decades, revealed that since 1990, only 92 peace agreements (16 per cent) have contained at least one reference to women or gender.<sup>17</sup> These mentions have indeed increased since the adoption of resolution 1325 (2000)—from 11 per cent to 27 per cent—but much of this rise has to do with more systematic inclusion of explicit references to women and gender in

peace agreements since 2008, especially for conflicts like Uganda or the DRC which feature highly alarming rates of violence against women and girls. Furthermore, the study establishes that agreements resulting from processes in which the UN was not involved are more likely to mention women or gender than those in which the UN was a third-party to the peace talks. As many actors have set out to assess the performance of the UN system in implementing



resolution 1325 (2000) ten years after its adoption, this finding is very revealing. The authors conclude that “there is little evidence of systematic inclusion of women in peace agreement texts, or systematic treatment of issues across peace agreements within conflicts... Longer-

term assessments appear to be in agreement that resolution 1325 (2000) has been more effective as a focus of mobilization for women outside of peace processes than in securing women’s participation within formal peace processes.”

**Number of peace agreements—out of 585 peace agreements since 1990—with references to and mentions of women and gender<sup>18</sup>**

<b>General reference to political and legal equality on the basis of gender or non-discrimination</b>	25
<b>Reference to social equality or worker’s rights with specific mention of women or gender</b>	17
<b>Explicit reference to sexual violence</b>	17
<b>Need to protect women’s human rights or ensure the application of humanitarian law to women</b>	16
<b>General reference to ‘effective participation of women’ in politics or gender balance in appointments:</b>	15
<b>Promotion of women’s role in the implementation of the peace agreement (sometimes by insisting on the nomination of women to key implementation bodies)</b>	13
<b>Reference to women and/or women’s needs in rehabilitation or reconstruction</b>	12
<b>Reserved seats or quotas for women in legislative or executive bodies</b>	9
<b>Promotion of women’s organizations:</b>	9
<b>Reference to gender-based violence or violence against women</b>	8
<b>Reference to CEDAW or other women-specific international legal measures</b>	7
<b>Crimes against women to be addressed by specific mechanism to deal with the past</b>	7
<b>Needs of women and girl combatants in DDR processes</b>	7
<b>Special reference to resolution 1325 (2000) itself</b>	5
<b>Quotas for indigenous women</b>	5
<b>Representation of women in the police and women-centered police reform</b>	5
<b>Representation of women in the judiciary</b>	4
<b>Reference to women in relation to reform of public administration</b>	4
<b>Reference to women in relation to development:</b>	4
<b>Establishment of specific institution for women or gender equality as part of the new institutional configuration</b>	4
<b>Sexual violence as a ceasefire violation</b>	4
<b>Women prioritized for prisoner’s early release</b>	4

These results are a matter for concern, taking into account that women's participation in peace talks is one of the cornerstones of resolution 1325 (2000), and that women's civil society groups have used this to increase their demands to participate in peace agreements and inject them with language that addresses gender issues.

One of the above categories deserves special attention. In 2009, UNIFEM focused on the scarcity of references to sexual violence in peace agreements and mediation processes, and identified 18 accords in which there is at least one mention of sexual violence or gender-based violence (GBV), using a smaller pool of agreements—roughly 300—than that used by Bell and O'Rourke. These 18 accords are for 10 conflict situations: Burundi, Indonesia–Aceh, DRC, Sudan–Nuba Mountains, Sudan–Darfur, Nepal, the Philippines, Uganda, Guatemala and Mexico–Chiapas. Sexual violence is mentioned as a violation of the ceasefire in only six peace

processes (Burundi, Indonesia–Aceh, DRC, Sudan–Nuba Mountains, Sudan–Darfur and Nepal). For the rest, it is sometimes mentioned in the preamble or general section describing the conflict. Only two peace agreements (DRC 2003 and Uganda 2007) refer to sexual violence as requiring a specific response in the justice section; four refer to it in relation to rule of law and human rights (Guatemala 1995 and 1996, Mexico–Chiapas 1996 and the Philippines 1998); in two it appears within provisions dealing with security arrangements (Sudan–Darfur 2006 and Nepal 2006); and in two it is mentioned in relation to DDR (DRC 2003 and Uganda 2008). In the sample reviewed by UNIFEM, no cases were found where it was mentioned as deserving particular attention in relation to reparations or economic recovery and development measures.

<b>Conflict</b>	<b>Agreement type and date</b>	<b>Where is sexual violence (or GBV) mentioned?</b>
<b>Burundi</b>	Ceasefire agreement (CFA), cessation of hostilities (COH), comprehensive peace agreement (CPA) – 2000	Prohibited act of a ceasefire or cessation of hostilities
	COH, CFA – 2002	Prohibited act of a ceasefire or cessation of hostilities
	COH, CFA – 2006	Prohibited act of a ceasefire or cessation of hostilities
<b>Indonesia–Aceh</b>	CFA, COH – 2002	Prohibited act of a ceasefire or cessation of hostilities
<b>DRC</b>	CFA – 1999	Prohibited act of a ceasefire or cessation of hostilities
	Interim agreement – 2001	Protection of civilians
	CPA – 2003	DDR Justice
<b>Sudan–Nuba Mountains</b>	COH, CFA – 2002	Prohibited act of a ceasefire or cessation of hostilities
<b>Sudan–Darfur</b>	CPA – 2006	Prohibited act of a ceasefire or cessation of hostilities Monitoring and verification of CFA Protection of civilians and security arrangements
<b>Nepal</b>	CPA – 2006	Human rights, rule of law
	Implementation agreement – 2006	Prohibited act of a ceasefire or cessation of hostilities Security arrangements
<b>The Philippines</b>	CPA – 1998	Human rights and rule of law
<b>Uganda</b>	Implementation agreement – 2007	Justice provisions
	Implementation agreement – 2008	Justice provisions
	Implementation agreement – 2008	DDR
<b>Guatemala</b>	Sub-agreement – 1995	Human rights, rule of law
	Implementation agreement – 1996	Human rights, rule of law
<b>Mexico–Chiapas</b>	Implementation agreement – 1996	Human rights, rule of law

Some peace processes, like Guatemala, Burundi, Sudan–Darfur and Uganda, stand out from the rest in their systematic inclusion of gender-related and gender-specific content throughout the text of the peace accords. This logically leads to two conclusions that deserve further reflection and research. On one hand, it is by no means a coincidence that in these four peace processes, women participated significantly in the proceedings and had ways of tabling their recommendations, albeit using a variety of routes, as described in Section 2. Thus, a connection exists between women’s participation and the quality of peace agreements, at least from a gender perspective, and infer that greater women’s engagement in peace talks will, unsurprisingly, produce better agreements for women. On the

other hand, the agreements of both the Guatemala and Burundi peace processes have suffered from delayed implementation, and neither the Darfur Peace Agreement, which was signed only by the Government of Sudan and one of the rebel factions, nor the Comprehensive Peace Agreement for Uganda, which was signed in Juba by the Government, but not by the LRA, have been implemented. This sobering reality will be addressed in the final section of this paper, as perhaps greater research is needed on the implementation of the gender provisions of peace agreements, and greater attention must be paid to the connections between women’s participation in peace processes and the implementation phase, rather than to the textual inclusion of specific language provisions in the accords.

### **Examples of gender-related language in post-resolution 1325 (2000) peace agreements**

*Darfur Peace Agreement (CPA): on security arrangements (5 May 2006).*

“The Parties support the participation of a greater number of women in the (ceasefire monitoring and verification) mechanisms.”

“A significant number of GoS [Government of Sudan] Police, Movements’ Police Liaison Officers and AMIS[African Union Mission in Sudan] Civilian Police officers shall be women; they shall have specialist gender units to work with women and children; and all their investigations and monitoring shall include at least one woman.”

“Reform of selected security institutions shall be in accordance with the following: e) they shall include women in all ranks and shall have specific sections to address the particular needs of women and children with respect to personal security and law enforcement.”

“AMIS Civilian Police together with GoS Police and Movements’ Police Liaison Officers in their respective areas of control, shall establish separate police counters for the reporting of crimes committed against women, and women police personnel should staff these counters.”

*Inter-Congolese Negotiations: The Final Act—Sun City Agreement, DRC (2 April 2003).*

“The mandate of this organ (a national monitoring body for human rights) will be to... create a commission for the protection of women and children with the mandate to denounce all forms of violence specifically perpetrated against women and children, the elderly and persons living with a handicap.”

*Côte d’Ivoire, 2006 Implementation Agreement (Security Council resolution 1721)*

“Encourages the Prime Minister to seek, as appropriate, the active involvement of civil society in moving the peace process forward, and urges the Ivorian parties, the High Representative for the Elections together with UNOCI [United Nations Operation in Côte d’Ivoire] to take into account the rights and resources of women and of gender considerations as set out in resolution 1325 (2000) as cross-cutting issues in the implementation of the peace process including through the consultations with local and international women’s groups.”

#### Sudan Comprehensive Agreement (May 2006).

“The Parties recognize that women are under-represented in government institutions and decision-making structures and that there is need for special measures to ensure women’s equal and effective participation in decision making at all levels.”

“Reserve certain posts in the National Civil Service exclusively for qualified women, particularly those from the less developed areas such as Darfur. Special measures shall be taken to ensure the participation of women in the civil service.”

#### Sudan Comprehensive Agreement (May 2006).

“The women of Darfur are involved in all areas of activity and constitute the bulk of the labor force, especially in the agricultural and animal resource sectors. In addition, women are heads of households, particularly among refugees, the internally displaced, and migrants. Women’s situation in all these areas has been worsened by the war, which has had a particularly deleterious impact on women and children, especially in relation to their means of livelihood. There is a need, therefore, for a special focus on the specific situation of women and for providing concrete measures to address their concerns, as well as ensuring their equal and effective participation in committees, commissions and bodies established pursuant to this Agreement.”

“The Darfur Reconstruction and Development Fund shall develop special mechanisms to address the specific needs of women. These mechanisms shall cover, but [are] not limited to, creation of investment opportunities, enhancement of productive capacities, provision of credit, production inputs and capacity building for women.

“The relevant authorities, with the assistance of the AU and the international community, shall protect the returning displaced persons from all forms of harassment, coercion, informal ‘taxation’ or confiscation of property. In such exercise, special attention to the protection of displaced women from all forms of harassment, exploitation, and gender-based violence, is essential.”

#### Uganda Implementation Agreement (19 February 2008).

“To inquire into human rights violations committed during the conflict, giving particular attention to the experiences of women and children; ...to make provision for witness protection, especially for children and women; ...to make special provision for cases involving gender-based violence.”

“All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatized individuals, women, children, persons with disabilities, and victims of sexual violence in proceedings.”

“The Government shall, in consultation with relevant interlocutors, examine the practices of traditional justice mechanisms in affected areas, with a view to identifying the most appropriate roles for such mechanisms. In particular, it shall consider the role and impact of the process on women and children.”

#### Uganda Implementation Agreement (22 February 2008).

“In the appointment of members and staff of any implementation bodies envisaged by this Agreement, overriding consideration shall be given to the competences and skills required for the office, sensitivity to the candidate’s knowledge of the affected areas, and gender balance.”

#### Liberia Comprehensive Agreement (2003).

“The Parties shall reflect gender balance in all elective and non-elective appointments within the National Transitional Government of Liberia.”

#### Burundi, Comprehensive Ceasefire Agreement between the Government of the Republic of Burundi and the Palipehutu–FNL [Forces nationales de libération] (September 2006):

“Cessation of all acts of violence against the civilian population: acts of vengeance; summary executions; torture; harassment; detention and persecution of civilians on the basis of ethnic origin; religious beliefs; and or political affiliation; arming of civilians; use of child soldiers; sexual violence; sponsoring or promotion of terrorist or genocide ideologies.”

#### Uganda, Implementation Agreement on DDR (29 February 2008).

“The CMT[spell out in square brackets] shall draw on UN DDR, World Bank and other technical expertise to make further arrangements for: c) protection from sexual violence or abuse, appropriate services for pregnant women and lactating mothers, and adequate presence of female staff.”

# Recommendations

**Given the low number of female participants in formal peace talks, the difficulties women in civil society have experienced in trying to engage effectively in peace processes, and the patchy use of a gender perspective in the drafting of peace agreements,** the tenth anniversary of resolution 1325 (2000) must provide the springboard from which to leap ahead and galvanize the UN system, including the new and better resourced United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), in order to strengthen implementation of this crucial aspect of the women, peace and security agenda.

At a very minimum, the following five suggested measures should be established and achieved in the next five years. They are modest measures that ought to have been in place already, only more reason to avoid compromise or delay.

First, the United Nations—as well as regional organizations that broker peace deals—must have a standardized protocol that ensures representation of women’s civil society groups in formal peace negotiations. This should not be done *ad hoc* and late in the game; it should be automatic and should regularize women’s participation from the start. Women’s civil society groups should devote their energies to becoming the most effective participants possible at peace talks rather than spending that time begging for inclusion. This is especially crucial in an environment in which peace negotiations begin at an earlier phase of the conflict and take place faster than they did two or three decades ago. For each process, the UN should establish and support context-

appropriate structures for consultation with women’s civil society organizations, and these should be activated **before** substantive negotiations begin. Women participants should be able to channel their input directly into the formal peace talks for consideration by the parties, the mediator and the facilitator. As described above, in Guatemala, the women’s sector within the Assembly of Civil Society was able to include its recommendations in the formal discussion because there was a person officially designated with that function as part of the structure of the peace talks. In too many peace processes, women’s groups gravitate around the peace talks without an established channel to influence them. Sometimes, civil society representatives will be assigned by the mediator in sub-working groups dealing with key issues relevant to their constituencies. In recent peace talks in the Ogoni region of the Federal Republic of Nigeria, for example, the general discussion of the plenary moved onto technical working groups, in which trade unions and non-governmental orga-

nizations (NGOs) focused on development were tasked with negotiating development plans with the Government, conflict resolution NGOs were tasked with working with the military on security issues, and so on.<sup>19</sup> This is not a bad solution for women's groups: although ideally they should be able to mainstream gender across a wide variety of issues, at minimum they might be able to exert extraordinary influence in a thematic area of importance, such as human rights, especially in contexts in which the voice of women might be diluted if they are the minority at every table.

Second, the UN and the Group of Friends of Member States financing a particular peace process should consider making their funding and their support for peace negotiations conditional on the parties' accepting that they must include women in their delegations, or provide other incentives for greater representation of women in negotiating teams. It has been suggested that donor countries could make this happen by offering to pay for an extra seat for all negotiating parties on the condition that it was filled by a woman.<sup>20</sup> Many of the Member States that appear most frequently in Contact Groups and Groups of Friends, and invest heavily in diplomacy and conflict resolution, are also Friends of resolution 1325 (2000), could collaborate to exert leverage as sponsors of talks to raise the level of women's participation.

Third, women and gender experts should be involved in technical work around every component of peace deals, including ceasefire-monitoring agreements, security sector reform and DDR, provisions on justice and reparations, socio-economic recovery and wealth-sharing agreements, and post-accord governance reform. Both gender balance and gender expertise are at issue here. This means that as well as gender experts, women with specific technical expertise on various subjects should be part of mediation support teams. To give an indication of their availability—or at least their existence—a

study found that of 434 individuals working in 16 major research centers on conflict resolution and peace, almost half (47 per cent) were women.<sup>21</sup> It could help enormously to have lawyers with gender expertise drafting the actual words of the agreements, for example. In addition, gender expertise—which can be supplied by men too—is needed to ensure that all aspects of a peace accord support gender equality and women's rights. According to the Human Security Report in 2009, peace processes have improved with practice, but they are still very fragile and vulnerable to reversal, and their potential will depend heavily on early and effective implementation. This makes the implementation sub-agreements, which do not receive the attention that ceasefires or comprehensive peace agreements do, especially important, as well as expertise in transitions and state-building with a gender perspective.

Fourth, both male and female mediators should receive gender-awareness training and briefing packages before beginning their assignment, ready with examples of gender-responsive language, best practice, ways of engaging with women's civil society and a context-specific analysis of women's situation. This year, UNIFEM and the Department of Political Affairs have developed a joint strategy that, if properly funded and implemented, should support systematic production of guidance and training in the next two to three years.<sup>22</sup>

And fifth, women's participation in peace processes costs money. Travelling, lodging, childcare, capacity-building and physical protection are all expensive. Donors who say they are committed to women's meaningful engagement in peace talks should earmark a significant percentage of their financial support to peace negotiations for women. Only then will we be able to harness the potential of women's peace coalitions, including cross-national coalitions, as well as women in the Diaspora, and move from *ad hoc* trainings and consultations to more meaningful capacity-build-

ing and engagement. Given that the existence of a vibrant women's coalition does not guarantee that it will be given access to the formal negotiations, it would be ideal to secure those channels of access **before** convening large coalitions or forums of women or supporting their activities with regard to the peace talks. For example, UNIFEM convened five hundred women in Aceh in 2000 and four hundred women in 2005 for the first and second women's congresses, but their impact on the peace process and the content of the agreements is unclear. Unlike in Uganda, where women had access to the negotiators and a gender adviser in the office of the Special Envoy, Acehnese women did not have a direct entry point.

The effectiveness of parallel civil society forums drops dramatically if they begin when formal talks are already at an advanced stage.<sup>23</sup> Finally, placing gender experts in strategic positions within the formal peace talks, including at the technical level of the mediator's office, the facilitator and the negotiating parties' delegations, or establishing a system by which to stay informed about the process and be able to feed back women's recommendations to all actors are more effective strategies than spending time and energy in obtaining observer status or non-speaking seats at the peace table itself, which have more than once been awarded only at a very late stage of the negotiation.

Women's absence in peace processes cannot be explained by their alleged lack of experience in conflict resolution or negotiations. Instead, there has been a lack of effort to integrate them in formal peace processes. Even firm believers in gender equality and women's rights might have residual doubts about some of these recommendations, not out of a belief that gender issues are secondary and should not be prioritized, but because of a long-running perception that women's participation and the inclusion of gender issues can be detrimental to the success of peace negotiations. Parties might object to a female mediator, for example. That is indeed a possibility, but disagreements over the choice of mediator

or mediation team have been among the leading causes of negotiation failure for many years, while mediators have invariably been male. Parties might object to the inclusion of women's civil society groups and the scrutiny brought by them on atrocities committed against women, but they generally do not have an objection to civil society involvement *per se*, balking instead at specific groups. Women's groups generally enjoy a comparatively higher perception of neutrality than other civil society groups, especially when they are broad and representative. One solution is to budget for a number of civil society invitations for each party, and reserve a few invitations for the mediator to use at his or her discretion, which could be used to invite women. Finally, women's demands could be at odds with one or both parties to the negotiations, and thus represent a set of demands that risk jeopardizing the agreement.

However, nothing indicates that women's demands would be less amenable to discussion and negotiation than many other provisions that are routinely included in the text of peace agreements. While there are countless examples in which peace processes have broken down due to myriad factors—including disagreement over the choice of mediator, internal dissidence within armed groups, ceasefire violations, delays in the implementation of some of their components, such as demobilization, and irreconcilable differences over substantive topics, such as self-government—but a case in which peace negotiations were derailed due to women's demands has yet to be discovered.



## Endnotes

- 1 Consistent data of numbers of women in peace negotiations are seriously lacking. Therefore this research had to limit itself to a representative sample of 24 peace processes for which some data were available.
- 2 Ilja A. Luciak, 'Gender Equality in the Salvadoran Transition,' *Latin American Perspectives* 26, No. 2, 1999: 45, quoted in Camille Pampell Conaway and Salomé Martínez, 'Adding Value: Women's Contributions to Reintegration and Reconstruction in El Salvador,' Women Waging Peace and The Policy Commission, January 2004, available online: [http://www.huntalternatives.org/download/14\\_adding\\_value\\_women\\_s\\_contributions\\_to\\_reintegration\\_and\\_reconstruction\\_in\\_el\\_salvador.pdf](http://www.huntalternatives.org/download/14_adding_value_women_s_contributions_to_reintegration_and_reconstruction_in_el_salvador.pdf).
- 3 Sanam Anderlini, 'Negotiating the Transition to Democracy and Reforming the Security Sector: The Vital Contributions of South African Women,' Women Waging Peace Policy Commission, August 2004, available online: [http://www.huntalternatives.org/download/9\\_negotiating\\_the\\_transition\\_to\\_democracy\\_and\\_reforming\\_the\\_security\\_sector\\_the\\_vital\\_contributions\\_of\\_south\\_african\\_women.pdf](http://www.huntalternatives.org/download/9_negotiating_the_transition_to_democracy_and_reforming_the_security_sector_the_vital_contributions_of_south_african_women.pdf).
- 4 Michelle Page, Tobie Whitman and Cecilia Anderson, 'Strategies for Policymakers: Bringing Women Into Peace Negotiations,' Institute for Inclusive Security, October 2009, 13–16.
- 5 Page, Whitman and Anderson, 'Strategies for Policymakers,' 5–8.
- 6 UNIFEM, *Securing the Peace: Guiding the International Community Towards Women's Effective Participation Throughout Peace Processes*, New York, UNIFEM, October 2005, 13, available online: [www.unifem.org/attachments/products/Securing\\_the\\_Peace.pdf](http://www.unifem.org/attachments/products/Securing_the_Peace.pdf).
- 7 See, for example, Anthony Wanis-St. John and Darren Kew, 'Civil Society and Peace Negotiations: Confronting Exclusion,' *International Negotiation* 13, 2008, 11–36.
- 8 Some of UNIFEM's publications have been entirely devoted to this issue, including *Women at the Peace Table: Making a Difference* (2000) and *Securing the Peace* (2005). Additionally, the theme of the 48th session of the Commission on the Status of Women in 2004 was devoted to women's equal participation in conflict prevention, management, conflict resolution and post-conflict peacebuilding, and it was preceded by a preparatory expert group meeting in Canada in 2003 on peace agreements as a means for promoting gender equality and ensuring participation of women.
- 9 Vicenc Fisas, *Anuario 2008 de Procesos de Paz*, Escola de Cultura de Pau, 2008, 20–22.
- 10 The Elders are an independent group of global leaders who provide their experience to support peace negotiations and peacebuilding. This group includes Martti Ahtisaari, Kofi Annan, Ela Bhatt, Gro Brundtland, Lakhdar Brahimi, Fernando Cardoso, Mary Robinson, Desmond Tutu, Graça Machel, Jimmy Carter, Nelson Mandela and Aung San Suu Kyi.
- 11 See Anne Itto, "Guests at the Table? The Role of Women in Peace Processes," Conciliation Resources, 2006, accessed 31 August 2010, <http://www.c-r.org/our-work/accord/sudan/women.php>.
- 12 For further information on this case, see Page, Whitman and Anderson, *Strategies for Policymakers*.
- 13 UN-INSTRAW, 'Women, Peace and Security in Somalia: Implementation of UN Security Council Resolution 1325,' UN-INSTRAW, 2008, available online: <http://www.un-instraw.org/data/media/documents/Somalia%20background%20paper.pdf>.
- 14 Directed by Gini Reticker and produced by Abigail Disney, this documentary premiered at the Tribeca Film Festival in 2008 and went on to win numerous awards.
- 15 See Suraiya Kamaruzzaman, 'Agents for Change: The Roles of Women in Aceh's Peace Process,' Conciliation Resources, accessed 31 August 2010, <http://www.c-r.org/our-work/accord/aceh/women.php>.
- 16 Christin Chinkin, 'Peace Agreements as a Means for Promoting Gender Equality and Ensuring the Participation of Women,' New York: UNIFEM, EGM/PEACE/2003/BP.1, 31 October 2003.
- 17 See Christine Bell and Catherine O'Rourke, 'Peace Agreements or Piece of Paper? The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements,' *International and Comparative Law Quarterly* 59 (forthcoming) October 2010.
- 18 Ibid.
- 19 See Thania Pfaffenholz, Darren Kew and Anthony Wanis-St. John, 'Civil Society and Peace Negotiations: Why, Whether and How They Could Be Involved,' Background paper presented at the International Studies Association Conference, San Diego, March 2006, HD Centre for Humanitarian Dialogue, accessed 31 August 2010, <http://www.hdcentre.org/files/CivilSocietyandPeaceNegotiations.pdf>.
- 20 See Page, Whitman and Anderson, *Strategies for Policymakers*.
- 21 Fisas, *Anuario* 2008, 20–22.
- 22 The UNIFEM–DPA joint strategy, which will be inherited by UN WOMEN, expects the following results: creation of a roster of women candidates for mediation and expert posts at all levels of mediation; generation of quality guidance material on gender and mediation; trained mediators and mediation experts at all levels who elevate the UN's capacity on this issue; body of knowledge on procedural and substantive aspects of women's engagement in peace processes and gender issues in peace accords; greater attention to women's engagement in peace processes in the planning and implementation of future and ongoing mediation efforts; greater attention to the issue in existing monitoring processes (Security Council open debates, briefings, etc); increased investment in women's participation, technical expertise on gender and sexual violence, etc., by UN agencies, funds and departments and Member States.
- 23 See Pfaffenholz, Kew and Wanis-St. John, 'Civil Society and Peace Negotiations.'





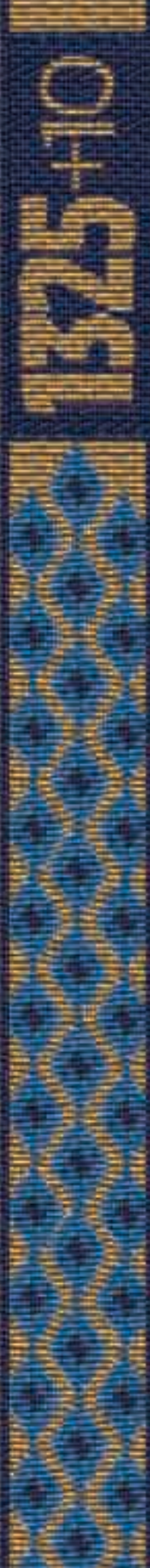


Planning and Financing for Gender-Responsive Peacebuilding



1325  
+10  
WOMEN  
COUNT  
FOR  
PEACE

United Nations  
Development Fund for Women  
**UNIFEM**  
part of UN Women



# What Women Want Planning and Financing for Gender-Responsive Peacebuilding

On the cover: KIBUMBA, DRC, October 2008: A Congolese woman carrying her child and belongings passes a Congolese army tank near Kibumba.

**This paper was written by Hanny Cueva-Beteta and Limon B. Rodriguez with contributions from Rob Jenkins, Anne Marie Goetz, Samina Anwar and Rachel Dore-Weeks. It also draws on a background paper by Kade Finnoff and Bhargavi Ramamurthy.**

**“While peace agreements furnish a framework for transitions from conflict to peace, the blueprints for international engagement with states emerging from conflict are produced through a range of post-conflict planning processes.”**

— United Nations Secretary-General, 2010<sup>1</sup>

As blueprints for post-conflict reconstruction and development, national planning frameworks matter to women. Planning models determine which policy objectives will be prioritized and how resources will be allocated. Planning to enhance women’s well-being is, inevitably, complex. For instance, women’s inability to access services in post-conflict settings often stems from a combination of physical insecurity, which constrains women’s mobility, and pervasive social norms that deprive them of equal opportunities. Developing strategies to address these problems requires a planning process attuned to social relations and gender issues. All too often, however, women’s needs are overlooked in planning processes, and thus translated into neither funds nor eventually, results. The importance of funding for securing results cannot be overemphasized, as noted by the United Nations (UN) Secretary-General, in his 2009 Report on Peacebuilding in the Immediate Aftermath of Conflict: “funding for women’s early recovery needs is vital to increase women’s empowerment and correct historical gender imbalances.”<sup>2</sup>

This review of current patterns of planning and funding in post-conflict settings reveals a persistent gender bias, in which women’s needs and issues are systematically underfunded. The UN Secretary-General, in his 2010 Report on Women’s Participation in Peacebuilding, highlights the

“sobering” shortcoming of UN-managed funds in financing women’s post-conflict needs. While establishing a correct proportion of funding for meeting women’s specific needs, advancing gender equality, and empowering women is ultimately a political process, the UN Secretary-General made a commitment to ensure “that at least 15 per cent of UN-managed funds in support of peacebuilding is dedicated to projects whose principal objective (consistent with organizational mandates) is to address women’s specific needs, advance gender equality or empower women.”<sup>3</sup>

This paper addresses a wide range of questions in the broad area of planning and financing for gender equality in post-conflict settings. It presents findings from several studies conducted by the United Nations Development Fund for Women (UNIFEM, part of UN Women) on the inclusion of women’s needs and issues in post-conflict planning frameworks, such as Multi-Donor Trust Funds (MDTFs), Joint Programmes (JPs), Post-Conflict Needs Assessments (PCNAs), Poverty Reduction Strategy Papers (PRSPs) and United Nations Development Assistance Frameworks (UNDAFs). This paper is divided into seven sections: the first justifies and outlines the methodology adopted. Sections 2 to 5 analyze the four typical elements of a planning document. Section 6 summarizes the main findings and explores re-

lated issues. The last section recommends methods for improving gender mainstreaming in planning frameworks.

## 1. Methodology

Assessing the extent to which a cross-cutting issue like gender equality is incorporated in planning frameworks is a challenging task, and one that is difficult to quantify. Taking advantage of the fact that most strategic planning frameworks produce a matrix of activities (sometimes also called targets, outputs or results), indicators and budgets, UNIFEM developed a specific methodology to examine the inclusion of women's needs and issues in at least these three levels.

The methodology is divided into two steps:

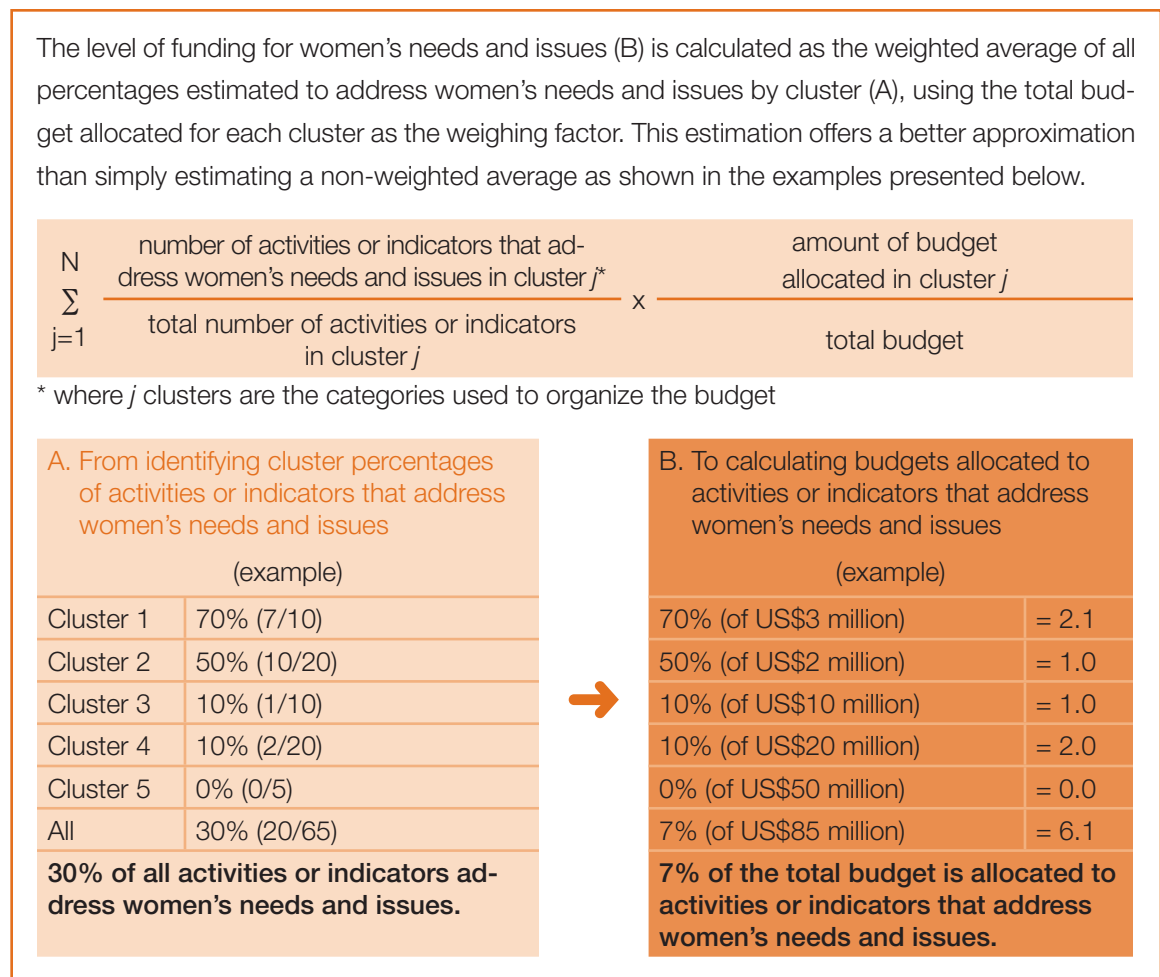
First, the content of all activities, indicators and budget lines was analyzed and classified according to whether these address women's needs and issues. Since all planning frameworks differ in the way activities and indicators are clustered, the smallest cluster employed for budget

allocation (for example, line item) was used in the context of this analysis. For each cluster (i.e., sector, sub-sector or any other categorization used), the following three estimated percentages were calculated:

- » Activities that mention women's needs and issues, calculated as a percentage of the total number of activities in the cluster;
- » Indicators that mention women's needs and issues, calculated as a percentage of the total number of indicators in the cluster; and
- » Budget lines that mention women's needs and issues, calculated as the percentage of the total budget for the cluster.

The second step was to calculate the budget specifically allocated to address women's needs and issues. This is estimated as the weighted average of all percentages estimated to address women's needs and issues by cluster, using the total budget for the cluster as the weighing factor (see Figure 1).

Figure 1 – Calculation of budget allocated to address women's needs and issues





In order to provide analysis and results by thematic area, the clusters were also aggregated according to six major thematic areas: economic recovery and infrastructure; security and rule of law; social protection and human rights; education; health; and governance and administration (see Box 1 for further clarification).

It is important to clarify from the outset that the methodology used for this analysis is subject to certain limitations. One of the most important is the methodology's high dependency on the structure of planning frameworks within clusters, and their level of inclusion of women's needs and issues. Planning frameworks with disaggregated categories or thematic areas will show a more accurate picture of the extent to which women's needs and issues are considered. In contrast, when a planning framework has relatively few categories, bias in estimating the gender content at the level of activities and indicators is more likely to emerge. For instance, if there is even a single mention of women's needs or issues in a relatively large category, according to the meth-

odology used, the full amount budgeted to that category would be considered gender responsive. Conversely, the budget for the entire category would appear gender blind in the absence of any reference to gender or women's needs and issues.

The above methodology was applied to a sample of planning frameworks across twelve countries covering over 3,000 activities and indicators, including six PCNAs, five PRSPs and six UNDAFs; in addition, over 394 project documents were analyzed from MDTFs and JPs across six countries (see Figure 2).

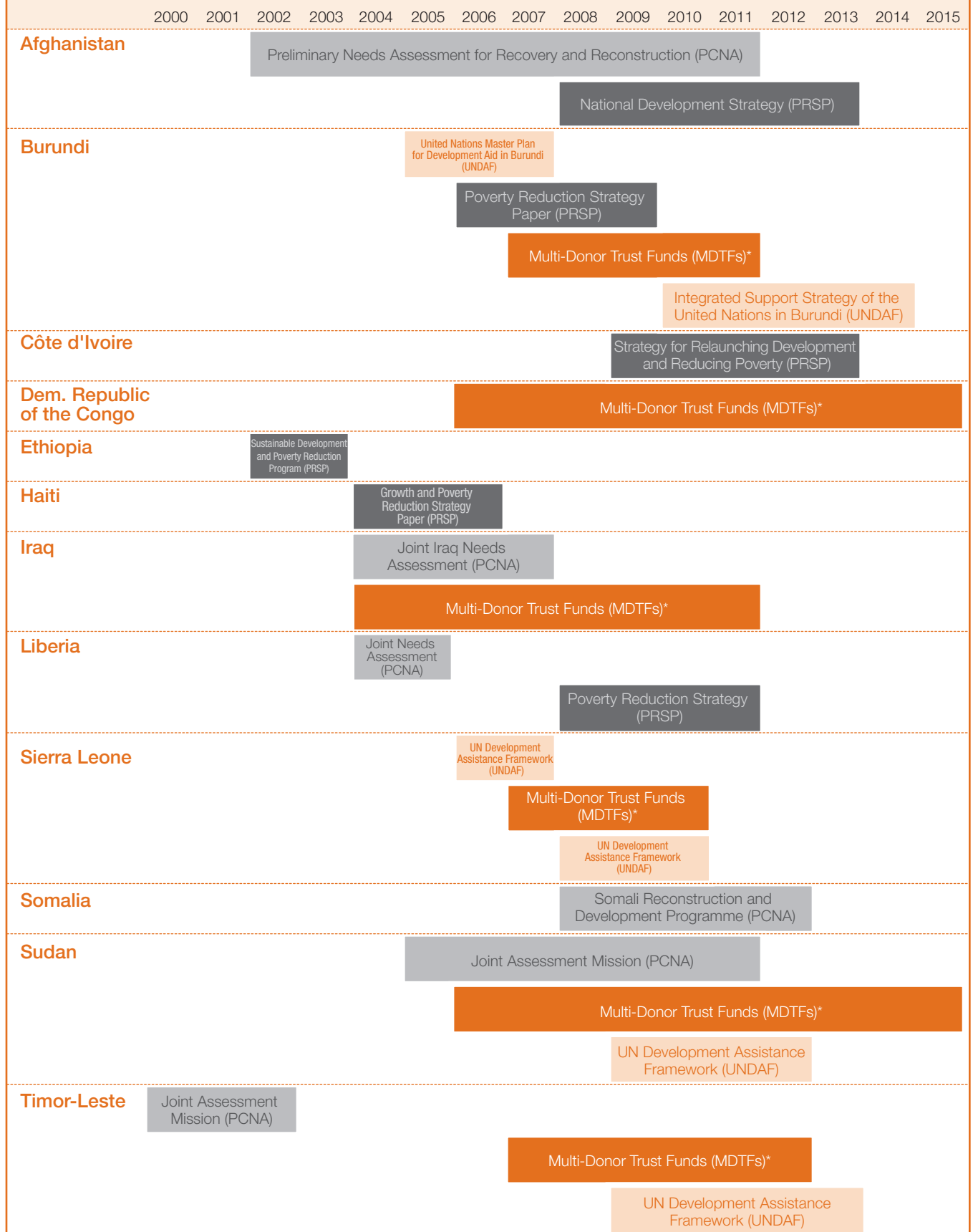
#### Box 1 – Example of application of methodology by thematic area

The following example shows the application of the methodology by thematic area, using activities as the analytical starting point.

Thematic area	Activities that address women's needs and issues		All activities	Budget		Estimation
	(%)	(number)	(number)	(US\$)	(% total)	(%)
	$A=A1/A2$	A1	A2	B1	$B2=B1/\text{total B1}$	$B=AxB2$
Economic recovery and infrastructure	25	1	4	30	30	7.50
Security and rule of law	25	1	4	15	15	3.75
Health	25	1	4	15	15	3.75
Education	25	1	4	15	15	3.75
Social protection and human rights	50	2	4	10	10	5.00
Governance and administration	0	0	4	5	5	0.00
<b>Total</b>				<b>100</b>		<b>23.75</b>

Figure 2 –Timeline of planning frameworks included in the analysis by country

Four main instruments were analyzed in a sample of twelve countries; the following graph indicates the period during which each of the instruments would be applied.



Note: \*See Section 5 on MDTFs.

## 2. United Nations Development Assistance Frameworks

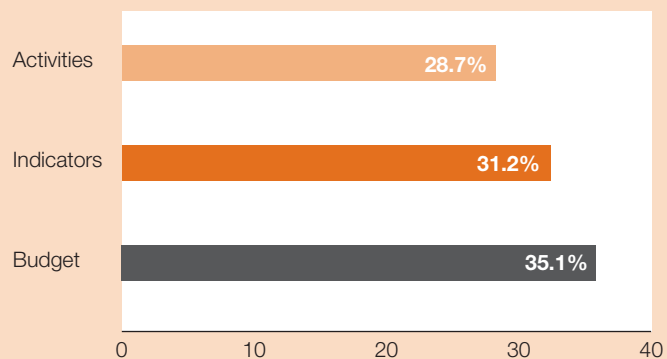
The UNDAF is used at the country level to coordinate UN system activities and to provide a coherent response to national priorities and needs. More generally, it is anchored to the framework of the Millennium Development Goals (MDGs). An UNDAF is conducted every two to six years, sometimes more often, depending on the country. In this sample, for example, two UNDAFs are included for the Republic of Sierra Leone for the periods 2006-2007 and 2008-2010; the Republic of Burundi for the periods 2005-2007 and 2010-2014; the Democratic Republic of Timor-Leste for the period 2009-2013; and the Republic of Sudan for the period 2009-2012.

An UNDAF usually has the following sections: planning and preparation process; context and situation analysis; priorities and technical assistance strategies; outcomes and results matrix; initiatives outside the results matrix; financing requirements; and implementation, monitoring and evaluation mechanisms.

The preparation and implementation of an UNDAF takes a collaborative approach, promoting participation among stakeholders in a country's development, including the government, international institutions like the World Bank and the International Monetary Fund (IMF), bilateral donors, civil society and the private sector.

Among all the UN planning frameworks under consideration here, UNDAFs stand out for their high levels of gender sensitivity (see Box 2 for specific examples of women's needs and issues addressed in UNDAFs). The extent of inclusion of women's needs and issues in UNDAFs is between 29 and 35 per cent at the activities, indicators and budget level (Figure 3).

Figure 3 – Extent of inclusion of women's needs and issues in UNDAFs (as percentage of the total budget)

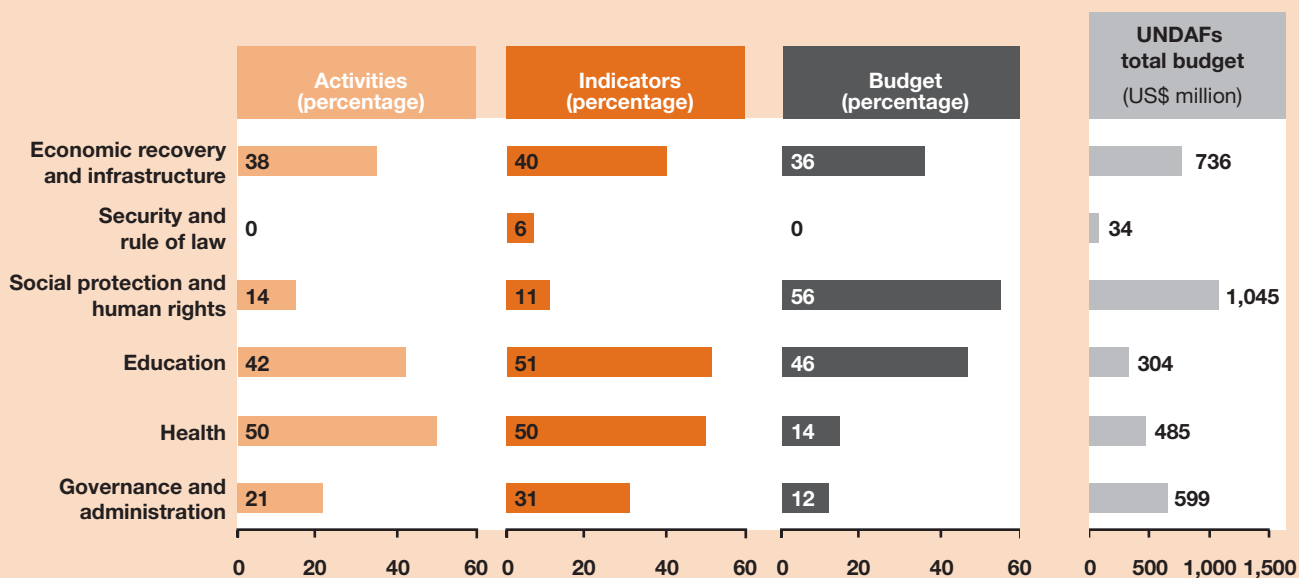


**Sources:** Finnoff and Ramamurthy (2010); United Nations Development Group (2004); United Nations Development Group (2006); United Nations Development Group (2009a, 2009b, 2009c, 2010d) Estimation by UNIFEM.

In the UNDAFs analyzed for this review, the thematic areas with the highest degree of gender sensitivity at the activities and indicators level are health, education, and economic recovery and infrastructure (Figure 4). At the budget level, social protection and human rights also demonstrates a high degree of gender sensitivity, together with education, and economic recovery and infrastructure. Security and rule of law is the thematic area demonstrating the least gender sensitivity across all levels.

Two observations are worth highlighting: first, compared to the other planning frameworks that were analyzed in this review, UNDAFs show higher gender sensitivity in the area of economic recovery and infrastructure, accompanied by a relatively lower percentage of the total budget allocated to this area. Second, the thematic area of social protection and human rights receives a much higher proportion of the total budget in UNDAFs than it does in other planning frameworks considered here.

Figure 4 – Extent of inclusion of women’s needs and issues in UNDAFs by thematic area (as percentage)



Sources: Finnoff and Ramamurthy (2010); United Nations Development Group (2004); United Nations Development Group (2006); United Nations Development Group (2009a, 2009b, 2009c, 2010d)  
Estimation by UNIFEM.

Box 2 – Examples of women’s needs and issues addressed in UNDAFs

Thematic area	Example
<b>Economic recovery and infrastructure</b>	<p>Increased agricultural services and inputs, especially for women, internally displaced persons (IDPs), returnees, refugees and other groups with specific needs</p> <p>Land use and land tenure policies, regulations and systems are introduced by the government in collaboration with communities, with a focus on access to land by women</p>
<b>Security and rule of law</b>	<p>Ex-combatants, and women and children associated with armed forces and groups demobilized and provided with reinsertion and reintegration support</p>
<b>Education</b>	<p>Safe, inclusive, child-friendly learning spaces provided for basic education (including water and separate sanitary facilities), particularly for girls, nomads, children with special needs and children in conflict-affected and underserved areas</p> <p>Curriculum reviewed to include practical life skills for health, nutrition, hygiene, peacebuilding, prevention of female genital mutilation (and childcare practices for parents)</p>
<b>Health</b>	<p>Comprehensive health management information systems, including (birth, death) registration and maternal death audit, established at all levels</p> <p>Essential integrated basic packages (comprehensive reproductive health care, nutrition, integrated management of child illnesses, expanded immunization services), adequate equipment and supplies, and referral facilities available at the community level, with a special focus on groups with specific needs (including IDPs, returnees and refugees)</p> <p>Capacities, including institutional infrastructure and human resources, to provide pre- and in-service training, including midwifery schools, created and/or strengthened</p>
<b>Governance and administration</b>	<p>Legislative and regulatory mechanisms promoting women’s political leadership and representation developed and implemented</p>

### 3. Post-Conflict Needs Assessments

PCNAs have different names at the national level and are processes used by countries emerging from conflict or after episodes of crisis to coordinate donors, collectively identify main recovery priority actions, and mobilize resources.

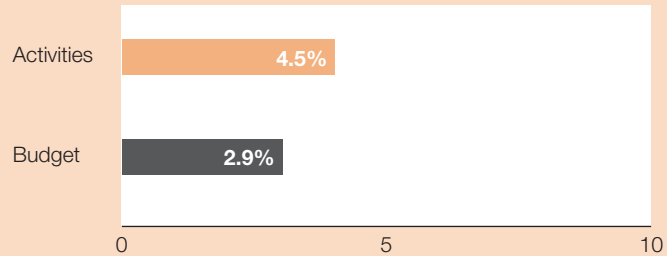
Normally, a host government will launch a PCNA process. Government agencies, donors, international organizations and international financial institutions, including the UN, the European Commission, the World Bank, and regional development banks, participate in the process. Other national stakeholders may also be consulted, such as civil society organizations, the private sector and political parties. After the assessment is completed, a donors conference is planned and held.

PCNA documents tend to be divided into two main sections: the narrative analysis and the Transitional Results Framework (TRF). The narrative analysis is generally organized according to thematic areas (these vary by country) and comprises the context, situation analysis, problem statement, and priority needs and actions. In most cases, budgetary needs are not mentioned in the narrative section; and if they are, they are only broadly included. In the TRF, outcomes, indicators and targets of the PCNA are further elaborated; in most cases, the TRF is also laid out by thematic area, following a similar organization to the narrative section. In the sample examined for this review, estimated budget needs were often identified within the TRF itself; where this was not the case, the budget was presented separately. PCNA documents can also include sections on the process of document preparation and consultation; and implementation, management and coordination mechanisms.

Analysis of six PCNAs showed that in the narrative section, gender issues are mentioned across the thematic areas, particularly in social protection and human rights, education, and health. However, in

contrast to UNDAFs, gender issues are mentioned much less systematically in the results framework: less than 5 per cent of activities and only 2.9 per cent of budget lines were found to mention women's needs and issues (see Figure 5).

Figure 5 – Extent of inclusion of women's needs and issues in PCNAs (as percentage of the total budget)



**Note:** Three cases analyzed did not have fully developed Transitional Results Frameworks; in these cases, analysis of activities was based on the narrative section. Information on indicators is not presented as it was only available in one of the six cases analyzed.

**Sources:** Asian Development Bank, World Bank and United Nations Development Programme (2002); United Nations and World Bank (2003); United Nations and World Bank (2008); United Nations Development Group (2005a, 2005b, 2005c); United Nations, World Bank and National Transitional Government of Liberia (2004); United Nations, World Bank, European Union and Inter-American Development Bank (2004); World Bank (1999) Estimation by UNIFEM.

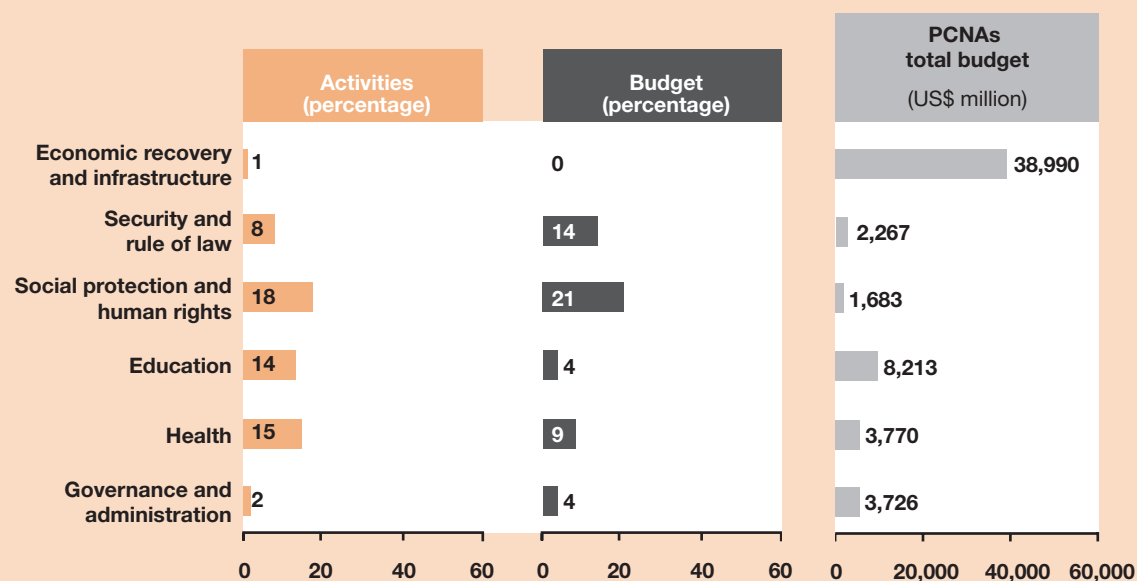
Of the thematic areas, social protection and human rights, education and health were found to have the highest levels of gender responsiveness (see Figure 6). However, social protection and human rights attracts only a small percentage of the total budget. In contrast, while the budget for economic recovery and infrastructure represents more than half of the total funds, this area was found to have the lowest degree of analysis and provision for women's needs.

This reflects a widespread presumption that economic recovery and infrastructure is gender neutral, based on the expectation that women and men benefit equally from investments in this area. Unfortunately, in most contexts this is not the case. For example, women may not benefit from temporary employment schemes if these do not address women's labour constraints,

such as childcare, nor do they benefit from infrastructure projects that lack toilet facilities for girls and women and/or are undertaken in markets where women are inactive. Specific examples of

how women's needs and issues were addressed in the PCNAs examined, broken down by thematic area, are highlighted in Box 3.

Figure 6 – Extent of inclusion of women's needs and issues in PCNAs by thematic area (as percentage)



**Note:** Three cases analyzed did not have fully developed Transitional Results Frameworks; in these cases, analysis of activities was based on the narrative section. Information on indicators is not presented as it was only available in one of the six cases analyzed.

**Sources:** Asian Development Bank, World Bank and United Nations Development Programme (2002); United Nations and World Bank (2003); United Nations and World Bank (2008); United Nations Development Group (2005a, 2005b, 2005c); United Nations, World Bank and National Transitional Government of Liberia (2004); United Nations, World Bank, European Union and Inter-American Development Bank (2004); World Bank (1999) Estimation by UNIFEM.

Box 3 – Examples of women's needs and issues addressed in PCNAs

Thematic area	Example
Economic recovery and infrastructure	Creating temporary employment for women
	Establishing agricultural credit and microfinance schemes that target women
	Including women in investment planning and implementation teams
Security and rule of law	Disarmament and demobilization of ex-combatants, including women formerly associated with armed groups
	Increasing women's representation in security sector institutions, conflict resolution and constitution making
Social protection and human rights	Providing free legal aid clinics and building capacity of women's organizations

Thematic area	Example
Education	Attracting, training and retaining female teachers Building sanitary facilities in schools for girls and boys
Health	Increasing tetanus toxoid coverage for pregnant and lactating women Lowering the price of Caesarian operations Improving women's access to water Increasing the number of midwives
Governance and administration	Developing affirmative action programmes in the civil service
Overall	In Somalia, a special women's symposium was held to reflect gender priorities in the final PCNA document. Attended by 140 representatives, the symposium also drew on women's contribution to peacebuilding and implementation of the framework <sup>4</sup>

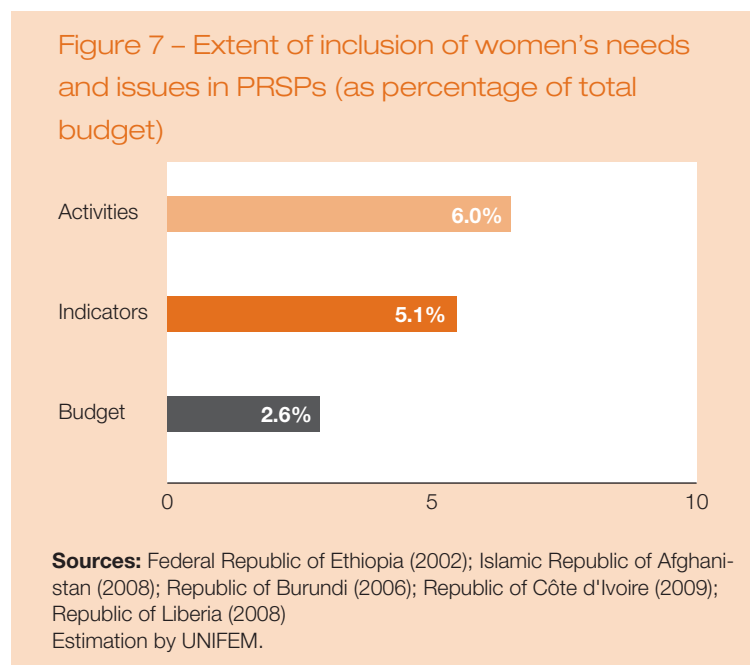
#### 4. Poverty Reduction Strategy Papers

Initiated by the World Bank and IMF in 1999, PRSPs describe a country's macroeconomic, structural and social policies and programmes over a period of three or more years to promote growth and reduce poverty, as well as associated external financing needs and major sources of financing.<sup>5</sup> They are prepared by member states through a participatory process, and often take on nationally specific names. The process involves government, civil society organizations, the private sector, sectoral experts, local communities, and international institutions such as the UN, World Bank, IMF and regional organizations.

A PRSP is usually structured according to the following sections: analysis of the poverty situation in the country; process of preparation; analysis of priority sectors and sub-sectors, goals and targets; macroeconomic framework; costing; implementation; and monitoring, evaluation and reporting. PRSPs attempt to bridge national public actions, donor support and development impact needed to meet the MDGs. As strategic planning frameworks with significant budgetary allocations, it is critical that they address and fund women's specific needs and issues.

As with PCNAs, however, an analysis of five PRSPs reveals that women's needs and issues

received significantly more attention in the narrative section than at the planning level, in the logical framework. Low and diminishing levels of gender sensitivity were evident from activities (6 per cent) and indicators (5 per cent) to budget (2.6 per cent; see Figure 7).

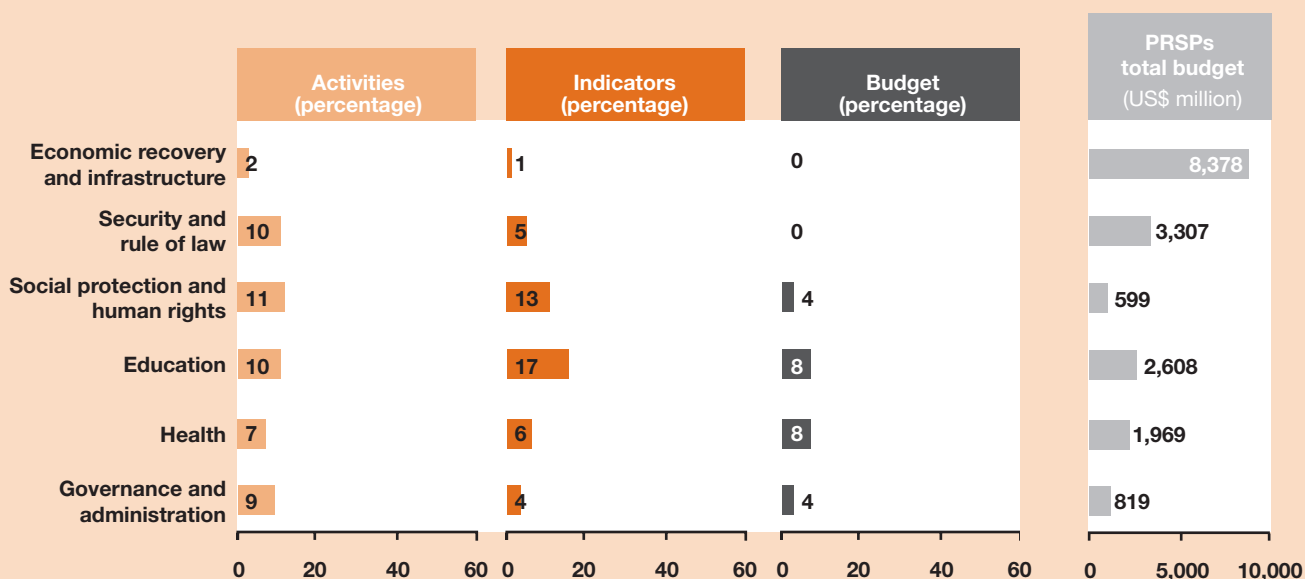


Among the thematic areas, education, and social protection and human rights demonstrated the highest incorporation of women's needs and issues at the level of activities and indicators. It is worth noting, however, that both the budget share and the absolute amount allocated to the social protection and human rights area comprise a very low percentage of the budget as a

whole (see Figure 8). An analysis of PRSP budgets along thematic lines found education and health to be the most gender responsive.

Consistent with earlier findings in this review, economic recovery and infrastructure again attracts a sizeable proportion of total funds while doing little to target women directly. Box 4 shows specific examples of how PRSPs addressed women's needs and issues.

Figure 8 – Extent of inclusion of women's needs and issues in PRSPs by thematic area (as percentage)



Sources: Federal Republic of Ethiopia (2002); Islamic Republic of Afghanistan (2008); Republic of Burundi (2006); Republic of Côte d'Ivoire (2009); Republic of Liberia (2008)  
Estimation by UNIFEM.

Box 4 – Examples of women's needs and issues addressed in PRSPs

Thematic area	Example
Economic recovery and infrastructure	Improving women's access to and management of factors of production, i.e., land, labour and capital, including in agriculture
Social protection and human rights	Offering skills training for widows, as well as poor and disabled women
Education	Increasing female school enrolment and retention through scholarships, take-home rations and other incentives
Health	Provision of emergency obstetric care Establishment of health centres with functional maternity units
Governance and administration	Development of gender-sensitive budgets



## 5. Multi-Donor Trust Funds and Joint Programmes

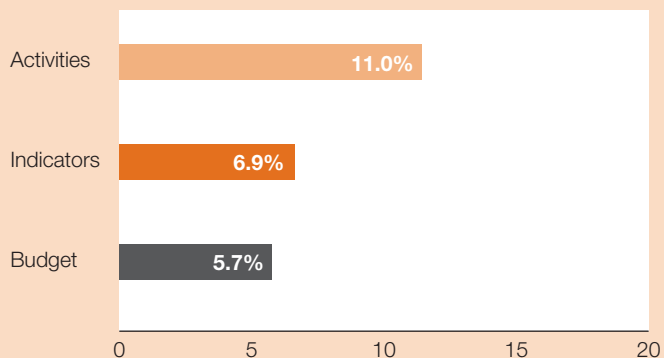
While PCNAs, PRSPs and UNDAFs are overarching planning frameworks, MDTFs and JPs are more related to implementation and occur more frequently, and sometimes simultaneously, in a country. MDTFs pool donor resources to support national priorities and facilitate the work and coordinated delivery of support and services by UN entities. JPs, as the name implies, link the work of two or more UN entities and/or national partners by integrating their activities through a common work plan and budget. Both instruments tend to use the MDTF office of the United Nations Development Programme (UNDP) to play the role of administrative agent interfacing with donors. For this reason, these two instruments will be addressed together, and referred to hereafter simply as MDTFs.

MDTFs vary in the way the funds are allocated and administered. This review included the Peacebuilding Fund, in which country-level allocations are guided by national strategies and laid out in a project document format. MDTF project documents usually include sections on situation analysis; strategies, lessons learned and proposed joint programmes (e.g., programme outcomes, integration and coordination, intrastate peacebuilding and conflict management mechanisms, participation of beneficiaries, sustainability of results); priority interventions and actions; results framework; management arrangements; monitoring, evaluation and reporting; and work plans and budgets.

Much like PCNAs and PRSPs, the analysis of over 394 MDTF project documents shows low and diminishing levels of inclusion of women's needs and issues from activities (11 per cent) and indicators (7 per cent) to budget (5.7 per cent; see Figure 9). It is worth noting that although still low in absolute terms, the gender-responsiveness of MDTFs is almost double that of the PCNAs and PRSPs examined for this review.

This is likely due at least in part to the fact that MDTFs offer greater detail for analysis, and can thus give a more nuanced perspective.

Figure 9 – Extent of inclusion of women's needs and issues in MDTFs (as percentage of the total budget)

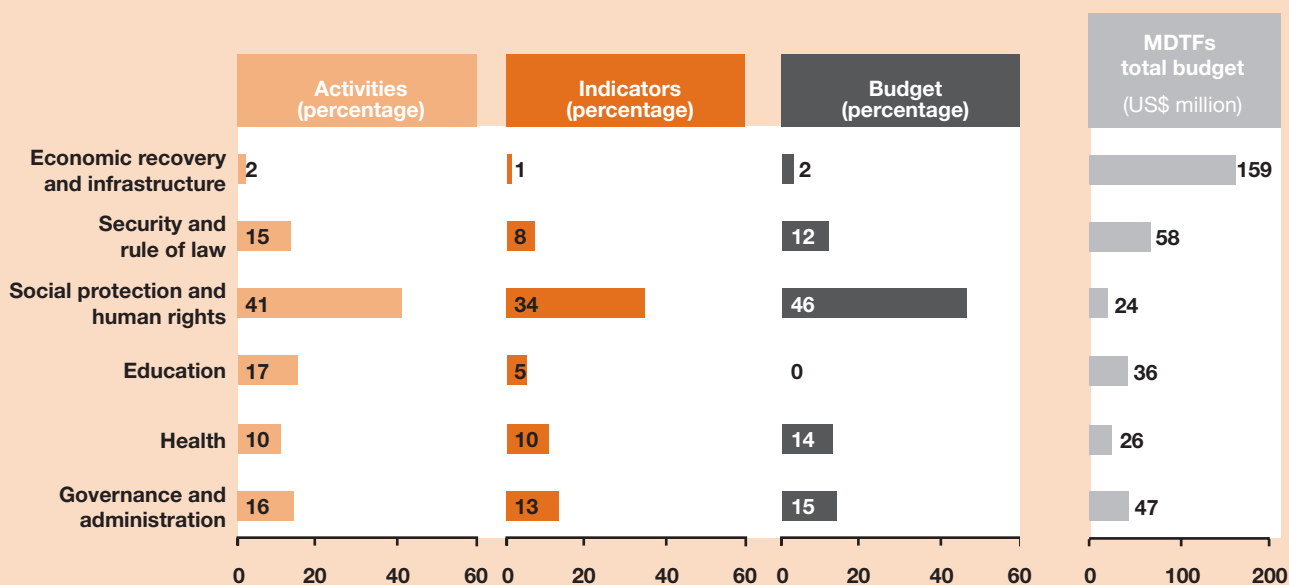


**Note:** The budget allocation was estimated using an analysis of all projects comprised in all six countries, including 184 projects amounting to US\$1,335 million for Iraq. However, the analysis at the activities and indicators level comprises all projects in five countries and a sample of 25 projects amounting to US\$200 million for Iraq (approximately 15% of the total country budget).

**Sources:** Finnoff and Ramamurthy (2010); United Nations Development Group (2010c)  
Estimation by UNIFEM.

Consistent with findings elsewhere in the review, social protection and human rights is the most gender-sensitive thematic area in MDTFs. This area allocates the largest portion of funds to women's needs and issues, but as with the other planning frameworks, its share of the total budget is strikingly low. Again, economic recovery and infrastructure, drawing in a large portion of total funds, pays the least attention overall to gender-specific needs (Figure 10). Box 5 gives examples of women's needs and issues that were addressed in MDTFs.

Figure 10 – Extent of inclusion of women’s needs and issues in MDTFs by thematic area (as percentage)



**Note:** The analysis comprises all projects in five countries and a sample of 25 projects amounting to US\$200 million for Iraq (approximately 15% of the total country budget).

**Sources:** Finnhoff and Ramamurthy (2010); United Nations Development Group (2010c)  
Estimation by UNIFEM.

Box 5 – Examples of women’s needs and issues addressed in MDTFs

Thematic area	Example
<b>Economic recovery and infrastructure</b>	Provision of business coaching/enterprise-based apprenticeship programme with special attention to women
<b>Security and rule of law</b>	Establishment of family response units— staffed by female police officers—in police stations
<b>Social protection and human rights</b>	<p>Vocational training opportunities available for adolescents, with a particular focus on girls and ex-child soldiers</p> <p>Civil society (non-government organizations, women’s groups, community-based organizations, academia) trained on gender-sensitive planning and gender-responsive budgeting to advocate for, scrutinize and monitor public expenditure</p> <p>Women’s civil society organizations trained on gender analysis and mainstreaming; gender-responsive budget monitoring; leadership/communication skills; project cycle management; computer skills</p>

## Health

Training of service providers, including medical doctors, midwives, NGO clinic staff, medical assistants, nurses and staff working at family and child unit on clinical management of rape

Provision of post-rape kits to health facilities (hospitals, clinics, etc.) where providers have been trained

Setting up of a mechanism for coordination on gender-based violence work, including the development of the referral pathway for survivors, standard operating procedures in coordination with key actors on the prevention of and response to gender-based violence

Training for health care workers on use of the Medical Forensic Protocol for Examination of Victims of Domestic Violence, Sexual Assault and Child Abuse

## Governance and administration

Representation of women in conflict-management mechanisms at state, county and community levels

National and local referral mechanisms and services established and/or strengthened for protection of victims of human trafficking and domestic violence



BUNIAKIRI, DRC, March 2009: A Congolese girl writes on a blackboard during classes at Pere Simon Foundation in Buniakiri. Photo/Walter Astrada.

## 6. Main findings and relationships among planning frameworks

The findings presented above show clearly that although analysis of women's experiences of conflict and consequent specific recovery needs is addressed to some degree in the narrative portion of the frameworks studied, this analysis is for the most part not translated into specific activities and indicators in results frameworks, even though it is ostensibly the source for the latter. Moreover, even where activities and indicators do directly target women, they are not adequately matched with gender-responsive budget allocations.

Three specific trends regarding the gender content of strategic planning frameworks are revealed by the present study. First, planning frameworks that are more closely linked to implementation, such as MDTFs, display greater attention to gender sensitivity at all levels (activities, indicators and budgets) compared to more ambitious overarching frameworks such as PRSPs and PCNAs. This is probably due to the smaller unit of analysis in MDTFs (which include even project specification details, e.g., project description, objectives, outputs, activities, stakeholders), whose relatively narrow focus allows for the identification of concrete activities and targeted stakeholders, including beneficiaries.

There is, however, a relationship between the extent to which an overarching framework is gender sensitive, and the responsiveness to women's needs and issues of micro-level planning for implementation. Thus, since needs assessment, planning frameworks, and budget processes are often carried out sequentially, it is essential that women's needs be included as early as possible: early and macro-level recognition of women's needs improves the chances that adequate funds will later be allocated to address them.

Second, the gender-responsiveness of budgets was consistently lower than that of indicators, which in turn lagged behind that of activities. With the exception of UNDAFs, the highest proportion of budget allocation specifically targeting women was a mere 11 per cent, in the case of MDTFs. PRSPs allocated the smallest proportion of funds directly to women and girls, with only 2.6 per cent of the budget being explicitly gender responsive.

UNDAFs stand out starkly in contrast: about 30 per cent of the entire budget allocated to activities and indicators directly addressed women's needs and issues. One reason for this difference could be that the development of an UNDAF routinely includes consultations with a broad range of stakeholders from both government agencies to civil society, including women's rights advocates. Where women participate, they are able, for instance, to underscore the importance of incentivizing agricultural extension officers to target women clients, or providing more resources for water supply, both huge priorities for women. This would certainly explain the difference between UNDAFs and PCNAs or MDTFs, in which the participation of national stakeholders is often more limited.

It is not, however, the whole story: PRSPs are almost always developed through a broadly consultative process, and while their gender-responsive content is slightly higher at the activity level than that of PCNAs, it falls far below that of UNDAFs. That PCNAs rarely undertake consultations specifically targeted to identify the needs and issues of women and girls may be a contributing factor. Another—and perhaps more sobering—explanation might be found in the fact that UNDAF budgets are essentially proposals without tangible funding commitments; in contrast, funds have already been committed in MDTFs, and PRSPs and PCNAs each have a clear link to funding commitments. In other words, responsiveness to women's needs is something planners are willing to suggest, but far less willing actually to fund.

Third, of the six thematic areas identified in this review, social protection, health and education showed the highest degree of gender-responsiveness in their corresponding activities, indicators and associated budgets; meanwhile, the gender-responsiveness of economic recovery and infrastructure remained consistently low. This reflects outmoded concepts of which sectors are of interest or relevant to women and therefore require targeted interventions.

## 7. Recommendations

In light of the limitations identified in this review, a number of recommendations can be made to develop a systematic approach to mainstreaming gender in planning frameworks:

a. Gender analysis should be included from the beginning of all processes to produce planning frameworks and should routinely include consultations with women and/or women's organizations and women's rights activists.

Robust gender analysis initiated from the beginning of planning processes is needed. A good practice for achieving this could be to conduct broad consultations to identify women's needs and ways to address them, or if time and resources do not permit, at least to conduct targeted consultations with women's organizations and women's rights activists. Gender analysis in planning processes should acknowledge differences in economic and reproductive activities, access to and control over resources, and gender-based obstacles in access to services and post-conflict needs, including physical security, the risk of gender-based violence or the scarcity of income-generating activities for women.

b. Ensure that adequate expertise is available to those undertaking a planning exercise to support their incorporation of gender issues in planning frameworks.

The availability of adequate expertise to assess gender-specific needs and issues, as well as to ensure that gender is mainstreamed throughout the planning process, must be a priority. This expertise should be available from the beginning of the process, as it is difficult to incorporate analysis or recommendations from gender specialists once the assessment process has already begun. Mandating gender analysis throughout the process and ensuring adequate expertise is available and utilized will help to ensure that women's needs and issues are fully reflected in planning frameworks.

Engaging more women as experts is also needed. The relative dearth of women in policymaking partly explains why more funding is not devoted to issues of high priority for women. Women's participation as experts should not, however, be automatically equated with the availability of expertise on gender equality issues.

c. Specifically target the areas of economic recovery and infrastructure, and security and rule of law, for improved gender sensitivity in planning frameworks.

Targeted efforts should be made to address gender-specific needs and issues in areas that receive the highest levels of funding, such as economic recovery and infrastructure, and security and rule of law. These efforts could include specific reviews to assess the extent to which activities implemented in these areas do indeed benefit men and women equally. Guidance should be developed to highlight good practice on how to incorporate gender issues within these thematic areas, including what specific activities are good practice in addressing women's needs, and effective indicators for monitoring mainstreaming efforts. Incorporating a full-time gender expert within the relevant clusters may also be beneficial.

d. Gender should be both a cross-cutting issue and a major outcome or sub-outcome in logical frameworks.

The identification of gender as a cross-cutting issue in post-conflict planning and financing has not been matched with a framework that facilitates incorporating a gender perspective in budget allocation and implementation planning. Addressing women's needs and issues must go beyond the narrative, and the gap between assessment, planning and implementation must be closed.

A key recommendation in this regard is that gender needs should be identified as both a cross-cutting issue and as a major outcome or sub-outcome. In other words, women's needs and issues need to be more routinely incorporated at the logical framework and budget levels within each of the thematic areas. Without such clarity in purpose and costing, it will be difficult to monitor progress and ensure adequate funding.

e. Use gender-disaggregated data.

Gender-disaggregated data are needed to consistently measure and evaluate financing for gender-specific needs in countries emerging from conflict. The TRFs and logical frameworks provide an existing monitoring framework where

gender-disaggregated information can easily be called for. To adapt TRFs and logical frameworks to gender analysis requires specifying the beneficiaries (e.g., women and girls, along with other target groups) at each level of the TRF or logical framework—from outcomes, activities and indicators to specific budget allocations.

f. Set a minimum level of expenditures on gender issues.

A core recommendation of the UN Secretary-General's 2010 Report on Women's Participation in Peacebuilding is for UN entities to work towards "a goal of ensuring that at least 15 per cent of UN-managed funds in support of peacebuilding is dedicated to projects whose principal objective (consistent with organizational mandates) is to address women's specific needs, advance gender equality or empower women."<sup>6</sup>

The current low level of expenditure in planning frameworks allocated to address gender-specific needs illustrates the difficulty of prioritizing gender needs without mandating a proportion of funds for this purpose. The most logical way to redress the current funding imbalance is to implement the commitment suggested by the UN Secretary-General to a minimum level of expenditures explicitly targeting gender issues. The goal of 15 per



cent, however, should be accompanied by an effort to mainstream gender in the remaining 85 per cent of the managed funds. A precedent for this approach exists: UNDP's Bureau for Crisis Prevention and Recovery has implemented a minimum requirement of 15 per cent of programme expenditures to advance gender equality.

g. Establish a gender marker to identify funding for gender issues.

A gender marker was initiated in 2007 by the Organization for Economic Cooperation and Development/Development Assistance Committee, to track funding for projects and programmes that include gender equality as a significant or principal objective. In 2009, the UN Secretary-General called for all UN-managed funds to institute a gender marker.<sup>7</sup> Shortly thereafter, a gender marker pilot was conducted for humanitarian appeals and funding mechanisms within the UN.

Tracking funding for gender equality has a double benefit: it generates an estimate of funding allocated to gender equality; it also ensures that practitioners gain a better understanding of how to incorporate gender equality objectives within a project, as this is required to assess projects and programmes, and implement the marker. It is important to perform independent and random audits of the marking system to ensure its adequate and coherent application. A specific gender report, modeled on the gender marker, could also routinely accompany planning frameworks.

Left: KIBATI, DRC—NOVEMBER 2008: Internally Displaced People (IDPs) pass cartridge cases as they leave Kibati heading north from the city to their villages. Photo/Walter Astrada.

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# Women in Armed Conflict: What Role for Military Peacekeepers?

**1325** WOMEN  
COUNT  
**1325+10** FOR  
PEACE

United Nations  
Development Fund for Women

**UNIFEM**  
part of UN Women

**1325+10**

# Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers?

On the cover: An all-female Formed Police Unit from Bangladesh, serving with the United Nations Stabilization Mission in Haiti (MINUSTAH), arrives in Port-au-Prince to assist with post-earthquake reconstruction. 01 June 2010, Port-au-Prince, Haiti.

This paper, written by Anne Marie Goetz and Letitia Anderson, summarizes the conference held in Wilton Park and organized by the United Nations Development Fund for Women, the UN Department of Peacekeeping Operations, the UN Department of Political Affairs, UN Action Against Sexual Violence in Conflict, with support from the Governments of Canada, the United Kingdom of Great Britain and Northern Ireland

May 27–29, 2008

“We know from grim experience how sexual violence in conflict wreaks devastation on individuals, families, communities and entire societies...Widespread and systematic sexual violence further heightens insecurity. There are consequences for recovery and reconciliation. When alleged perpetrators are not prosecuted and brought to justice, the rule of law is undermined and impunity reigns.”

Message from the United Nations  
Secretary-General Ban Ki-moon to the  
Wilton Park Conference, 27 May 2008.

“It is more dangerous to be a woman than to be a soldier right now in Eastern DRC.”

Major General Patrick Cammaert  
former Deputy Force Commander, MONUC

## I. Purpose

**The conference reviewed current peacekeeping practice in the prevention of widespread and systematic sexual violence in conflict and post-conflict contexts, with a view to:**

- » Identifying existing efforts to prevent the targeting of women and children for sexual violence within current peacekeeping approaches to civilian protection;
- » Building a policy consensus on sexual violence as a security issue backed by mandates, means, training and incentives for effective response.

## II. Participation

Of 70 participants, 27 came from military establishments (former Force Commanders, army personnel, staff of defence ministries). Others included four Members of Parliament, four Permanent Representatives, seven staff members of the Department of Peacekeeping Operations (DPKO), and a number of other United Nations (UN) personnel, peace activists and academics.

## III. Nature of the problem

**Sexual violence was acknowledged to be a categorically prohibited method of warfare.** Widespread and systematic sexual violence

(which includes rape, forced prostitution, sexual slavery, forced impregnation, forced termination of pregnancy, enforced sterilization, trafficking and other offences) ranks among the grave breaches of international humanitarian law, as reflected in the 1998 Rome Statute of the International Criminal Court, the 1949 Geneva Conventions and the jurisprudence of the International Criminal Tribunals for the former Yugoslavia and Rwanda. It was noted that in some contemporary conflicts, sexual violence is used as a strategy of warfare for obtaining political and military ends. It is used to torture, terrorize, demoralize, injure, degrade, intimidate and punish affected populations.

**Evidence suggests an increase in the scale and brutality of sexual violence**, described by Dr. Mukwege of Panzi Hospital, Bukavu, Eastern Democratic Republic of Congo (DRC), as “the monstrosity of our century.” Participants acknowledged that the radically changed nature of conflict, characterized by an increased civilian–combatant interface, has made the protection of women more difficult and sexual violence more severe—indeed a “particularly potent weapon of war.” Even if sexual violence is not the outcome of an explicit order (as in the Bosnian rape camps of the early 1990s), command responsibility covers violations committed by armed forces where the commander has failed to prevent, suppress or punish crimes.

**Though recorded data were generally viewed as inadequate**, available trend analysis suggests a marked increase in the scale and brutality of war-related sexual violence over the past two decades. In North Kivu, Eastern DRC, evidence was cited that three out of four women have been raped, some with extreme violence resulting in irreparable fistulae, mutilation or death. In relation to the conflicts in the Republic of Sierra Leone (1991–2002) and the Republic of Liberia (1980–2003), evidence was adduced that at least 50 per cent of women suffered some form of sexual violence, rising to over 80 per cent in camps for refugees and internally displaced persons (IDPs). In contexts such as Eastern DRC, sexual violence appears to increase once fighting stops and the situation is stabilized. While this may reflect higher reporting rates facilitated through increased humanitarian access, it may also reflect two other phenomena: first, the committing of sexual violence on a wide scale by civilian men, including demobilized combatants; and second, the continuation of inter-group conflict by other means. It was thus affirmed that the legacy of impunity for war-time rape is ‘peace-time rape’—a perception that women can be violated without consequence.

**Yet sexual violence has not, to date, been recognized as a security problem requiring a systematic security response.** It remains steeped in a myth of inevitability that the conference agreed must be challenged at every opportunity. Some speakers acknowledged that dismissing sexual violence as a ‘cultural’ phenomenon or as culturally condoned gives perpetrators ‘license to rape.’ Security institutions and aid agencies have tended to see it as a domestic criminal matter, requiring a law and order response, and a medico-social problem, requiring medical care and long-term attitudinal change. Sexual violence by armed groups, however, requires a response commensurate with its scale and magnitude.

**Peacekeeping missions are increasingly mandated to protect civilian populations** under imminent threat of physical violence. Participants acknowledged this may not consistently be interpreted to encompass sexual violence due to the unconventional spaces and times at which it occurs, the silence and shame that shroud sexual violence, and its frequent invisibility as a ‘war within a war.’ Moreover, the protection of civilians mandate of peacekeeping operations has yet to be matched with political resolve and resources, doctrine and guidance. Troop-contributing countries likewise have not internalized this issue within the national defence policies that inform their peacekeeping doctrines.

**Ad hoc tactical responses need to be codified as doctrine and included in predeployment as well as in-theatre training.** In some contexts in which the security environment is particularly grave for women, UN, African Union (AU), European Union and North Atlantic Treaty Organization Force Commanders have innovated response tactics to intercept/deter attacks by belligerents on women and children. These tactics are assembled in a background paper presented to the conference whose updated version is included in this collection (‘Addressing Conflict-Re-



lated Sexual Violence: An Analytical Inventory of Peacekeeping Practice', UNIFEM, 2010). This paper shows that for peacekeepers on the ground, not to act in the face of mass rape is unthinkable, yet how to act remains unclear. It thus highlights the need for an institutionalized response within doctrine, concept of operations, rules of engagement and scenario-based training, which provides guidance without curtailing operational flexibility or risking an escalation of the conflict. There was broad convergence that the human, economic and opportunity costs of responding to sexual violence far exceed those of effective prevention.

Participants noted that responses must be congruent with international humanitarian and human rights law and mindful of the need to preserve neutral, independent 'humanitarian space' for unarmed actors, such as the International Committee of the Red Cross. Nonetheless, where the military component of missions has the material and logistical assets to help strengthen civilian infrastructure—building schools or digging drains—they will be used to assist communities through limited, appropriate civil-military cooperation (CIMIC) projects.

#### IV. Findings

There are currently eight UN peacekeeping missions authorized by the Security Council to protect civilians under imminent threat of physical violence: the UN Mission in the Central African Republic and Chad (MINURCAT), the UN Stabilization Mission in Haiti (MINUSTAH), the UN Organization Mission in the Democratic Republic of Congo (MONUC),<sup>1</sup> the AU–UN Hybrid Operation in Darfur (UNAMID), the UN Interim Force in Lebanon (UNIFIL), the UN Mission in Liberia (UNMIL), the UN Mission in the Sudan (UNMIS), and the UN Operation in Côte d'Ivoire (UNOCI). A number of ex-Force Commanders agreed that **not enough is being done to protect women**

**and children** from widespread and systematic sexual violence in these contexts. The conference agreed that the credibility of peacekeeping operations largely depends on how successful they are in this respect.

In response to the **need to address sexual violence holistically**, it was recognized as a subset of the broader protection of civilians challenge, but one that requires a tailored response. This is primarily because survivors tend not to report sexual violence for fear of social stigma, re-victimization, or due to 'built-in bias' in the legal system. There is hence a paucity of intelligence on attack patterns and the profile of perpetrators. It is also because sexual violence takes place in contexts and at time periods that lack a regular security presence: in homes, at water points during pre-dawn hours, in forests where women forage for fuel, or in fields where they cultivate crops.

A **paradigm shift** is needed because 'business as usual' has not equipped peacekeepers to detect, predict, prevent and respond effectively to attacks. Participants stressed that while the identification of good practice is useful, responses are highly contingent on context (for instance, strategies employed in Darfur, where the centre of gravity is IDP camps, do not translate to a setting like DRC).

Differences in levels of organization and brutality, intent and scale require tailored response tactics. It is useful to distinguish between three sexual violence environments:

1. On 1 July 2010, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) took over from MONUC in accordance with Security Council resolution 1925.

Focusing on the first two categories, a number of **operational challenges** was identified:

- » The precise contours of the **military–police relationship** in peace operations are still being negotiated. Distinctions between military and police functions can be difficult to maintain as complex conflicts draw peacekeepers into overlapping spheres of operation.
- » There is considerable variation in the ways that Special Representatives of the Secretary-General (SRSGs) and Force Commanders interpret mandates and rules of engagement, and responding to sexual violence is yet to be viewed and acted upon by mission leadership as an **institutional priority**.
- » Commanders face **interruptions in the chain of command** when national contingents refer back to capital, placing them in a role described as ‘Force Coordinators,’ rather than ‘Force Commanders.’ This can hamper swift, effective civilian protection and create an *interoperability* problem of divergent attitudes among troop- and police-contributing countries (TCCs and PCCs) to violence against women in security settings.
- » These problems are exacerbated by immense logistical and infrastructure challenges, varied terrain and splintered armed factions, which require commensurate **human and material resources**. One participant with experience of firewood patrols in Darfur stated: “If you want me to fly, first give me wings; then you can say whether I flew well.” In other words, there is no cost-neutral solution: it is redundant to issue mandates not matched with appropriate resources.
- » There is considerable variation in the **training** of troops and their capacity to internalize the paradigm shift in civilian protection required to address sexual violence as integral, not extraneous, to the achievement of mission objectives. It is a mistake to assume that gender analysis/women’s protection will come ‘instinctively’ to soldiers trained in war-fighting. When peacekeepers confront a highly sensitive security problem they have never encountered in training, they are likely to make errors.
- » Specific strategies of persuasion and dissuasion—explained in relation to the culture/belief systems of the group—need to

<b>Widespread and systematic</b>	<b>Widespread and opportunistic</b>	<b>Isolated and random</b>
Deployed as method of warfare by armed groups (a sexual manifestation of aggression, rather than an aggressive manifestation of sexuality).	Armed groups and ordinary civilians exploit conflict and chaos to attack women.	Domestic criminal matter, unrelated to political strategy or to international peace and security.
Peacekeeping efforts to prevent, deter and respond to attacks attuned to ‘hidden’ violence in non-conventional physical space and time.	Integrated mission response. Encourage domestic judicial system to prioritize efforts to prevent, protect and prosecute.	National law and order response; public information campaigns.

be adapted to **armed opposition groups/ non-State actors**, for whom sexual violence may be a particularly taboo subject, as a license to loot and rape at gunpoint often serves as incentive for irregularly paid rebels to continue the fight. Instruments increasingly being used are unilateral codes of conduct or deeds of commitment, whereby armed groups undertake to comply with international humanitarian law.

- » **Incomplete demobilization, disarmament and reintegration** (DDR) results in spoilers/ex-combatants being reinserted into communities awash with small arms and light weapons, where these individuals continue to prey upon women and children. As one Liberian militia member was quoted as saying during DDR: “Since we lost the battle, we should at least win the beautiful women.” It was further acknowledged that receiving \$30 per month does not transform a rebel into a civilian. Absent psychological debriefs and follow-up, it can rather transform a rebel into a more proximate threat to vulnerable civilians.

Effective responses to sexual violence were deemed to require:

- » **Political will and leadership**, demanding a security response to sexual violence in conflict, is needed from the Field Commander to the SRSG, and from the Secretary-General to the Security Council. This must be manifest in strong and specific mandates (e.g., para 18, 2007 MONUC Mandate Extension, SC res 1794); timely delivery and deployment of resources; and positive incentives to recognize and reward effective strategies. As one speaker put it, political guidance must be deeper than the directive: “Do something, General!”
- » **Gender-sensitive conflict assessments** are required to identify threats of sexual vio-

lence and inform deployment planning and resourcing. Assessments should include how risks differ for women and men, boys and girls and how they change over the course of a conflict (e.g., through social take-up of abusive practices). This also requires a gender- and age-disaggregated assessment of the root causes of violence against different demographic groups (poverty, dependence, the resurgence of harmful traditional practices, drug or alcohol use, etc.).

- » Prepare for missions using **scenario-based planning** to guide appropriate force generation, equipment procurement, resource allocation (including female personnel) and training.
- » **Clear guidance** to peacekeeping missions is needed on how to operationalize the protection of civilians mandate, including the protection of women and girls from sexual violence. The 28 January 2008 ‘MONUC Force Commander’s Directive on Protection of Civilians in the Democratic Republic of Congo’ (059/MONUC/C/FC) stands out as an operational directive mentioning sexual violence and guiding a decisive response.
- » Force Commanders should innovate with military and police tactics to **patrol unconventional space at unconventional times** (e.g., firewood patrols, pre-dawn patrols, ‘night flashes,’ etc.). For sustainability, and as a ‘force multiplier,’ these can be coordinated with ‘village vigilance/defence committees that assist in early warning.
- » The deterrent effect of **prosecution** is diminished by judicial weakness or collapse in war-affected countries. “In a prevailing climate of impunity, arms-bearers view rape “not only as a *tool* of war, but a *toy* of war,””as consequences are negligible to non-existent, making a mockery of efforts to resurrect the rule of law. Indeed, sexual violence was recognized as the only crime for which a community’s response is more

often to stigmatize the survivor, rather than the perpetrator. Integrated peace operations need to be a catalyst for the reconstruction of rule of law institutions.

- » **Local women's groups and women leaders must be empowered** by peacekeepers from the start of missions to represent women's views and engage in public decision-making. Peacekeepers exert a profound impact on social practices: if they treat women with respect, the community and even combatants may follow suit. Women themselves must be closely involved in all measures taken on their behalf. In this regard, peacekeepers can serve as 'trend-setters' for how the community views and values women. Moreover, a greater level of liaison with local women's groups can help peacekeepers ascertain protection gaps and provide a vital source of operational intelligence.
- » The protection of women must be linked to all elements of **public decision-making** so that women can articulate their needs for justice and recovery. Specific efforts must be made to engage women in peace processes, restoration of the rule of law and post-conflict recovery of economic and governance systems. In contemporary, intra-State conflicts, those least politically empowered are inevitably the most affected. Prevention of sexual violence is thus inseparable from the empowerment of women. The threat of sexual violence was acknowledged to preclude women's participation in public life, thus keeping women out of the institutions that perpetuate gender-based violence simply by ignoring it.

- » **Coordination** with all substantive sections of a mission, UN system partners, agencies, donors and non-governmental organizations is imperative to maximize the efforts of the military component and produce a visible, tangible impact on the ground.

## V. Structured follow-up

Immediate and longer-term follow-up actions include practical support to peacekeepers, coupled with sustained political engagement, and efforts to develop policy frameworks conducive to an effective response.

### i. Guidance and coordination:

The requirement to protect civilians and prevent sexual violence must be considered early in mission planning, reflected in Terms of Reference for Technical Assessment Missions, and included in military guidance. Gender analysis must be integrated into mission planning, particularly with respect to engaging civil society and women's groups.

Operational practices currently being undertaken to protect women from sexual violence must be identified, systematized and disseminated. The 'Analytical Inventory' prepared by UNIFEM has been validated and amended through consultations with peacekeeping operations, to identify by the end of 2008 a series of practices across peace operations that have been shown to work.

The forthcoming research by DPKO and the Office for the Coordination of Humanitarian Affairs on the implementation of protection of civilian mandates in peacekeeping missions will also provide a stronger evidence base for the development of doctrine on the protection of civilians.

UN Action Against Sexual Violence in Conflict will continue to provide strategic and technical support to UN Country Teams to ensure that the UN's efforts to prevent and respond to sexual violence are better coordinated and more comprehensive.

#### ii. Resources:

TCCs and PCCs must continue to increase the numbers of uniformed female personnel they deploy. Women were recognized to have a comparative advantage in intelligence-gathering as UN military observers and in community liaison/cordon and search operations as members of Formed Police Units, UN Police or CIMIC Officers. This will require increased recruitment of women in national security sectors, coupled with DPKO/Department of Field Support (DFS) strategies to attract and retain women in peace-keeping careers.

DPKO will request Member States to ensure that deployments also routinely include personnel with expertise and experience in addressing sexual violence. Funding and expertise should also be provided to facilitate CIMIC and quick impact projects that directly respond to the needs of local women, with due attention paid to the concerns of humanitarian actors. Increased recruitment of women in the mission area as language assistants can facilitate interactions with local women as a confidence-building measure.

#### iii. Training and incentives:

DPKO modules for predeployment training will include key messages and guidance on preventing and responding to sexual violence. Training should further incorporate context-specific protection scenarios. DPKO will explore the possibility of including in the existing memorandum of understanding with TCCs and PCCs an obligation by Member States to ensure predeployment training for their military and police personnel. This should be complemented with mission-specific training and community orientation, including on local gender dynamics.

Predeployment briefings to national Command and Staff Colleges at the highest planning level could be conducted by a travelling 'presentation team' composed of DPKO, UNIFEM/UN Action Against Sexual Violence in Conflict and an ex-Force Commander.

Support at the highest levels should be given to effective, path-breaking responses to women's protection needs. Medals regimes could be adapted to this effect as a non-material incentive.

#### iv. Political leadership:

SRSBs must provide exemplary leadership and guidance on actions to be taken at the strategic level, prioritize resources required to carry out these actions, and politically support the Force Commander.

The role of military peacekeepers in preventing and responding to sexual violence, and in particular the leadership role of Force Commanders, will be discussed at the annual meeting of the Heads of Military Components in August 2008 with a view to identifying additional strategies.

Political leadership of host authorities is critical to ensuring that the interventions of peacekeepers to prevent sexual violence are sustained in the long term. Host countries bear primary responsibility for the protection of their citizenry. Though tasked to work with host authorities, peacekeeping operations should not shy away from helping to vet the security sector of past perpetrators and building capacity for domestic military prosecutions/disciplinary actions.

Acknowledging that practical gaps have policy roots, the conference stressed the need for the Security Council to explicitly recognize that in some situations, the widespread use of targeted, systematic sexual violence may constitute a threat to international peace and security. Participants welcomed the decision by the Government of the United States of America to bring

a resolution to the Security Council on 19 June 2008 condemning sexual violence in situations of armed conflict. This will further empower security actors to consolidate existing best practice and develop doctrine to address and prevent sexual violence. The Council is currently being out-paced by peacekeepers themselves who, as the 'Analytical Inventory' attests, already treat sexual violence as warranting a security response. The Council should strengthen its capacity to monitor sexual violence, the profile of perpetrators and action taken to eliminate it, including through regular and systematic reporting by missions.

Mandate ambiguity, coupled with fear of censure when mistakes are made, can create a disincentive to innovative action to protect civilians. Strong and specific mandates, backed by adequate resources, may stimulate strong and specific responses. The military, after all, "cannot operate in an environment of ambiguity." Policy efforts—be they preventive diplomacy, sanctions, arms embargoes or a harsh media spotlight—can increase the political, economic, social and military cost of sexual violence for the perpetrators and put at risk what they value.

International commitment to engaging women in peace talks should be renewed decisively. UNIFEM will prepare guidance on options for enabling women's representation as part of negotiating delegations and in expert/observer roles. Member States can champion this effort through their engagement in peace mediation and talks facilitation, and by raising publicly whether negotiating groups are or are not engaging women in the peace process as required by Security Council resolution 1325 (2000).

#### v. Ending impunity:

Impunity serves as an incentive for continued violence, whereas justice shows would-be perpetrators that women's lives matter. The International Criminal Court and other war crimes courts can be encouraged to include sexual violence in indictments, investigations and prosecutions, and to provide full protection for witnesses and survivors. The absolute prohibition on amnesty for perpetrators of sexual violence should be universally respected and promoted through consistent, highly visible trials.







An Analytical Inventory of Peacekeeping Practice

1325  
+10  
WOMEN  
COUNT  
FOR  
PEACE



United Nations  
Development Fund for Women  
**UNIFEM**  
part of UN Women



# Addressing Conflict-Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice

On the cover: Members of the Indian battalion of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) on route to Sake from North Kivu in the Democratic Republic of the Congo (DRC), as two young local boys salute the peacekeepers. 12 September 2007, Goma, Democratic Republic of the Congo

**The document was written by Letitia Anderson, Advocacy and Women's Rights Specialist for UN Action Against Sexual Violence in Conflict, with expert input from Maj. Gen. (ret.) Patrick Cammaert and Anne Marie Goetz, UNIFEM Chief Advisor on Governance, Peace and Security.**

**This publication is the result of a collaborative undertaking between UNIFEM and DPKO, on behalf of UN Action Against Sexual Violence in Conflict. It was developed with inputs from UNIFEM, Governance, Peace and Security Section (GPS), DPKO Peacekeeping Best Practices Section (PBPS) and the Office of the Military Adviser (OMA). It was made possible through the funding provided by the Australian Agency for International Development (AusAID).**

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**ADDRESSING CONFLICT-RELATED SEXUAL VIOLENCE**  
AN ANALYTICAL INVENTORY  
OF PEACEKEEPING PRACTICE





# FOREWORD

## A NEW DECADE FOR WOMEN, PEACE AND SECURITY

It is 10 years since the watershed resolution 1325 (2000) introduced Women, Peace and Security onto the Security Council's agenda. The intervening decade has seen progress in expanding our notions of peace and security to include the perspectives of women. Yet efforts to combat conflict-related sexual violence remain woefully weak. My mandate is focused on this urgent agenda, based on resolutions 1820 (2008) and 1888 (2009), which recognize sexual violence as a security issue that demands a security response. Accordingly, peacekeepers must be armed with examples and information to help them operate effectively on the ground.

More must be done to promote actions that have real impact, as we move from best intentions to best practice. This will require us to recognize and publicize success stories, not just horror stories. For instance, I observed in eastern DRC how the United Nations Mission in the DRC (MONUC) market escorts have improved women's sense of security and enabled them to resume trade, which contributes to economic development. This is just one example of how peacekeepers have taken steps to safeguard civilians in some of the most volatile places on earth—despite being often under-resourced, under-equipped and under fire. By taking a proactive posture towards sexual violence as a generator of instability, peacekeepers challenge its acceptance as an inevitable byproduct of war.

I therefore commend the efforts of UNIFEM and the UN Department of Peacekeeping Operations (DPKO), on behalf of UN Action Against Sexual Violence in Conflict, to capture the concrete examples presented in this inventory. This publication marks the start—not the end—of a process to identify what works in preventing sexual violence and improving women's security. Combating sexual violence calls for sustained attention, action and cooperation commensurate with the scale of the challenge. I am inspired by those who serve in peacekeeping missions and hope this tool will support their day-to-day work.

A handwritten signature in black ink that reads "Margot Wallström".

**Margot Wallström**

Special Representative of the Secretary-General  
on Sexual Violence in Conflict

June 2010



# PREFACE

## PROTECTION FOR ALL CIVILIANS

The military component of peacekeeping operations can play a vital role in the protection of women and children as part of its mandated task of protecting civilians. This means not only protecting women from the violence itself, but also supporting individual social and economic recovery afterwards. In support of these goals, we aspire to recruit more women in uniform to help provide this critical aspect of security in peacekeeping operations, and to ensure that all of our personnel understand that enhancing women's safety enhances mission success.

Responding to sexual violence as part of the challenges of conflict is an emerging field in peacekeeping. We need clear examples and guidelines for uniformed peacekeepers, so that increased awareness can lead to a marked improvement on the ground. The blue helmet must remain an emblem of hope, peace and progress for all civilians—men and women, boys and girls. The issue of protecting civilians from conflict-related sexual violence is not only a military task, but one that also requires the participation of other stakeholders to build a safe and secure environment.

The Office of Military Affairs (OMA) of the United Nations Department of Peacekeeping Operations has been actively engaged in this work, and has participated in assessment missions, with technical and financial support from UNIFEM, to areas where sexual violence has been a prominent feature of the conflict and its aftermath. These missions have proved successful in identifying good practices and paving the way ahead. We must now work hard to maintain the momentum we have achieved. This will require capability and resolve in equal measure, to attain the goals we all strive for. I am confident that I can count on you for your support.

A handwritten signature in black ink, appearing to read 'Obiakor', with a large, stylized flourish extending to the right.

**Lieutenant General Obiakor**

Military Adviser, Department of Peacekeeping Operations, United Nations

June 2010

East Timorese women speaking to peacekeepers  
providing security at the border.  
- Australian Department of Defence



## METHODOLOGY AND PURPOSE

This document began with a 2008 desk review of protection strategies employed by international and regional peacekeepers, namely: the United Nations (UN); the African Union (AU); the European Union (EU); the Organization for Security and Cooperation in Europe (OSCE); the North Atlantic Treaty Organization (NATO); and the Economic Community of West African States (ECOWAS). Reports of ongoing peacekeeping missions by the UN Secretary-General to the Security Council were cited in addition to reports from think-tanks, academics, media and NGOs. The desk review was a basis for discussion at a high-level Wilton Park conference held in May 2008, entitled *“Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers?”* co-organized by UNIFEM and the United Nations Department of Peacekeeping Operations (DPKO), under UN Action auspices, with support from the Governments of Canada and the United Kingdom. This discussion continued in August 2008 at the annual Heads of Military Components Conference, where UNIFEM/DPKO/UN Action discussed how efforts to address sexual violence can contribute to building trust and confidence amongst the civilian population and improving situational awareness, thereby advancing broader mission objectives.

The findings were then field-tested through missions to UNMIL in Liberia; MONUC in the Democratic Republic of the Congo (DRC); and Rwanda to speak with members of the Rwanda Defense Force (RDF) who had served as peacekeepers with the African Union Mission in Sudan (AMIS). The purpose of these validation missions was to cross-reference examples cited in the desk review with operational realities in contexts where sexual violence has been a prominent feature of conflict and its aftermath. Briefings with a range of interlocutors in Kigali, Monrovia, Bong County, Kinshasa and Goma helped to verify these examples and elicit further instructive illustrations. Insights and recommendations also emerged regarding how to take the process forward into doctrine, pre-deployment/mission-specific training, force generation, planning and operational orders. The research team comprised a former Force Commander, UN Division Commander and DPKO Military Adviser, Major General (ret.) Patrick Cammaert, representatives of the DPKO

Office of Military Affairs (OMA), Hawaa El-Tayeb and Colonel Koko Essein, and a representative of UN Action, Letitia Anderson. Semi-structured interviews were conducted with multiple stakeholders including mission leadership, women’s groups, UN agencies and host governments (ministries of defense, justice, gender and health). Input was also provided from UN Secretariat staff and academics working on peacekeeping.

The roll-out and distribution of this knowledge product, financed by the Government of Australia, will include the development of training material as part of a package being developed by DPKO Integrated Training Service (ITS) on the protection of civilians. There will also be continuing capture of the kinds of tactics identified in this paper to build a ‘bank’ of good practice. Indeed, since this process began, there has been a virtuous cycle of increased attention to sexual violence leading to more concerted efforts on the ground.

# DEFINITION OF KEY TERMS

**“Gender”** refers to the social characteristics or attributes and opportunities associated with being male or female. These attributes, opportunities and relationships are socially constructed on the basis of different factors, such as age, religion, national, ethnic and social origin and are learned through socialization. They differ both within and between cultures and are context/time-specific and changeable, not static or innate. Gender defines power relations in society and determines what is expected, allowed and valued in a woman or a man in a given context.<sup>1</sup>

**“Gender analysis”** refers to the methods used to understand the relationships between men and women in the context of society. An example would be when military planning activities assess the different security concerns of women and men in the area of operation or take account of power relations in the community to ensure women have equal access to assistance, where the military is engaged in facilitating humanitarian access. Other examples would include understanding how customary conflict-resolution mechanisms affect women and men differently, and how women’s social status may change as a result of war.

For the purpose of this paper, **“peacekeeping operations”** are understood broadly as internationally mandated, uniformed presences, either under United Nations auspices or under the authority of a regional organization like the

Economic Community of West African States (ECOWAS), the African Union (AU) or the North Atlantic Treaty Organization (NATO). Armed UN peacekeepers, unarmed UN Military Observers (UNMOs), armed and unarmed UN Police (UNPOL) and soldiers serving under their national commands but authorized by the Security Council, like the US-led Multinational Force in Haiti (1994-95) and the Australian-led force in Timor-Leste (1999-2000), all come within the definition of ‘peacekeeper’ for present purposes.

Recalling that women are not merely victims needing assistance but holders of rights to whom duties are owed by both national authorities and the international community, this paper takes a broad approach to the term **“protection”**. This aligns with the Inter-Agency Standing Committee definition: *“The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights; international humanitarian law; and refugee law).”*<sup>2</sup> The practices identified cover all three widely-accepted subcategories of protection, namely: *remedial action; responsive action; and environment building*. The Independent Study on *Protecting Civilians in the Context of UN Peacekeeping Operations* (2009), jointly commissioned by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and DPKO to look at steps taken to transform the protection of civilians from UN mandate language

into realities on the ground, should be read in conjunction with the present paper.

It is insufficient to understand **'sexual violence'** solely in terms of rape. Sexual violence also encompasses: sexual slavery; enforced prostitution; forced pregnancy; enforced sterilization; or any other form of sexual violence of comparable gravity, which may include indecent assault; trafficking; inappropriate medical examinations; and strip searches (see 1998 *Rome Statute of the International Criminal Court*). The "Elements of Crimes" of the ICC defines sexual violence as follows: "The perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive en-

vironment or such person's or persons' incapacity to give genuine consent".

Sexual violence can amount to a **tactic of war** when used to "humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group" (Security Council resolution 1820 (2008), preamble). Sexual violence "can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide" (Security Council resolution 1820 (2008), operative paragraph 4; cf. 1998 *Rome Statute of the International Criminal Court* and the statutes and jurisprudence of the International Criminal Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR) and the Special Court for Sierra Leone).

1 Adapted from UNHCR, *Sexual and Gender- Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response*, May 2003, and Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI) website (<http://www.womenwatch.org/osagi>)

2 *Women, girls, boys and men - Different needs, equal opportunities*, Inter-agency Standing Committee, Gender Handbook in Humanitarian Action, New York, 2006, 12



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# Acronyms and Abbreviations

African Union-United Nations Hybrid Operation in Darfur . . . . .	UNAMID
African Union Mission in Sudan . . . . .	.AMIS
Civil-Military Coordination . . . . .	.CIMIC
Demilitarized Zones . . . . .	DMZs
Democratic Republic of the Congo . . . . .	DRC
Disarmament, Demobilization and Reintegration . . . . .	DDR
Disarmament, Demobilization, Repatriation, Reintegration and Resettlement . . . . .	.DDRRR
Displaced Person Operations . . . . .	.DP Ops
Economic Community of West African States . . . . .	ECOWAS
ECOWAS Monitoring Force in Liberia. . . . .	ECOMIL
European Union Security Sector Reform Mission in the DRC . . . . .	EUSEC
Inter-Agency Standing Committee . . . . .	.IASC
Internally Displaced Persons . . . . .	IDPs
International Committee of the Red Cross . . . . .	.ICRC
International Humanitarian Law IHL . . . . .	.IHL
International Force in East Timor . . . . .	.INTERFET
International Rescue Committee . . . . .	.IRC
Kosovo Force . . . . .	KFOR
<i>Médecins Sans Frontières</i> (Doctors Without Borders) . . . . .	MSF
Non-Governmental Organizations . . . . .	.NGOs
Police Contributing Country . . . . .	PCC
Quick Impact Projects . . . . .	QIPs
Rules of Engagement . . . . .	ROE
Rwanda Defense Force . . . . .	RDF
Security Sector Reform . . . . .	SSR
Sexual and Gender-Based Violence. . . . .	SGBV
Special Representative of the Secretary-General . . . . .	SRSG
Stabilization Force in Bosnia and Herzegovina, NATO-led . . . . .	SFOR
Training of Trainers. . . . .	TOT
Troop Contributing Country . . . . .	TCC
United Nations Action Against Sexual Violence in Conflict . . . . .	UN Action
United Nations Assistance Mission for Rwanda . . . . .	UNAMIR
United Nations Assistance Mission in Sierra Leone . . . . .	UNAMSIL
United Nations Children's Fund . . . . .	UNICEF
United Nations Department of Peacekeeping Operations. . . . .	DPKO
United Nations Development Programme . . . . .	UNDP
United Nations Development Fund for Women . . . . .	UNIFEM
United Nations High Commissioner for Refugees. . . . .	UNHCR
United Nations Military Observer . . . . .	UNMO
United Nations Mine Action Service . . . . .	UNMAS
United Nations Mission in Kosovo . . . . .	UNMIK
United Nations Mission in Liberia . . . . .	UNMIL
United Nations Organization Mission in the DRC . . . . .	MONUC
United Nations Police . . . . .	UNPOL
UN Office for the Coordination of Humanitarian Affairs . . . . .	UN OCHA
UN Office of the High Commissioner for Human Rights . . . . .	UN OHCHR
United Nations Protection Force, former Yugoslavia. . . . .	UNPROFOR
World Food Programme . . . . .	WFP

Villagers on their way to a local market walk past a MONUC patrol, there to assure stability during the electoral period in the DRC.  
- UN Photo/Martine Perret



# 1: CONTEXT: CONFLICT-RELATED SEXUAL VIOLENCE

“I don’t know when I began to clearly see the evidence of another crime besides murder among the bodies in the ditch-  
es and the mass graves. I know that for a long time I sealed away from my mind all the signs of this crime, instructing  
myself not to recognize what was there in front of me. The crime was rape, on a scale that deeply affected me... For  
a long time I completely wiped the death masks of raped and sexually mutilated girls and women from my mind as if  
what had been done to them was the last thing that would send me over the edge. But if you looked, you could see the  
evidence, even in the whitened skeletons. The legs bent and apart. A broken bottle, a rough branch, even a knife be-  
tween them. Where the bodies were fresh, we saw what must have been semen pooled on and near the dead women  
and girls. There was always a lot of blood. Some male corpses had their genitals cut off, but many women and young  
girls had their breasts chopped off and their genitals crudely cut apart. They died in a position of total vulnerability, flat  
on their backs, with their legs bent and knees wide apart. It was the expressions on their dead faces that assaulted me  
the most, a frieze of shock, pain and humiliation.”

– Lt. Gen. (Ret.) Roméo Dallaire, Former UNAMIR Force Commander

*Shake Hands with the Devil: The Failure of Humanity in Rwanda* (Random House Canada, 2003, p.430).

“The failures of humanity” in Rwanda and the former Yugoslavia in the 1990s compelled the United Nations to review its efforts to **protect unarmed civilians under imminent threat of physical vio-**

**lence.** These and other contemporary conflicts brutally demonstrated that “physical violence” includes sexual violence, and that women’s perspectives on peace and security could no longer be sidelined.

Despite increased attention over the past decade to the women, peace and security agenda, major **analytical and implementation gaps** remain. Without detracting from the primary responsibility of national authorities to protect their citizens, an important remaining gap is the potential of uniformed peacekeepers to help fight sexual violence and exert a positive impact on the lives of women and girls and, by extension, civilian communities as a whole. While the focus of this document is on sexual violence, this should be viewed as part of the broader role of peacekeepers in protecting civilian populations, contextualized within the understanding that the restoration of security requires not only **protection from physical violence**, but establishing a **protective environment** and finding a lasting **political solution**.

This paper focuses primarily on **military peacekeepers**, not to ‘militarize’ the sexual violence agenda or to downplay the vital work of police and civilian components, humanitarian actors and development experts, but because military institutions have been belatedly engaged with so-called ‘gender’ or ‘women’s issues’, and provided with little guidance. For instance, national armies do not generally have **doctrine** or **scenario-based training** to deal with sexual violence as a war tactic. Military personnel may therefore lack the requisite level of **preparedness** to address it in theatre. The independent study on *Protecting Civilians in the Context of UN Peacekeeping Operations* notes that expectations of peacekeepers in the field have not always been clearly articulated in mandate language. Moreover, military institutions are generally the last branch of government to attain gender balance and integrate women’s perspectives. Globally, women comprise just **2.3 per cent** of military peacekeeping personnel, though it is clear that they add distinctive skills. As sexual violence has deep political, economic and attitudinal roots, female peacekeepers serve not only to facilitate outreach to women and girls, but also provide

striking role models, as do male peacekeepers who listen to women’s voices and take their concerns seriously. This can shape local perceptions of women as valued contributors to the consolidation of peace.

Bolstering the capacity of military peacekeepers in this regard reinforces strategic efforts by DPKO and regional security institutions to **make the best possible use of existing resources**. It is evident that peacekeepers have developed enterprising solutions even in the face of limited operational capacity, as well as security and political constraints. This research also affirms that protection requires the military to **connect with civilian staff** and other components of an integrated mission. As MONUC Special Representative of the Secretary-General (SRSG) Alan Doss stated in May 2009: *“There will never be enough resources...this is why, for example, we are trying to understand the communities better... We need to recognize that protection is more than just having military boots on the ground. It’s about how you use them, and how you can connect with your civilian staff.”* Some of the practices cited here are mission-level tasks that could not be conducted by the military independently, but may require military support. Uniformed peacekeepers have a **distinct contribution** to make to this agenda, for instance, because victims of conflict-related rape are often located in remote areas that can only be reached by well-equipped patrols.

## 1.1 CHANGING DYNAMICS OF CONFLICT

“It is perhaps more dangerous to be a woman than a soldier in armed conflict.”

– Maj. Gen. (Ret.) Patrick Cammaert  
Wilton Park Conference, May 2008.

Contemporary, intra-State conflicts are characterized by an **increased civilian-combatant interface** and have been termed “**wars among the people**” (Gen. Rupert Smith, *The Utility of Force: The Art of War in the Modern World*, 2007).

This means that women and children are frequently the focus of armed violence—waged for the control of populations, as much as territory. Yet the role of uniformed peacekeepers in enhancing women's security and countering sexual violence has not received due attention. Some contend that sexual violence is nothing new—rather, recent years have seen new attention to this ancient crime of war. However, the dynamics of conflict and the classical boundaries between 'homefront' and 'battlefront' have changed. One effect of this has been the strategic use of brutal forms of sexualized violence against civilian populations to serve specific purposes. Examples include: forced incest and public rape for maximum humiliation and to shred the social fabric, as in DRC and Timor-Leste, turning victims into outcasts; rape as a deliberate vector of HIV during the Rwandan genocide; forced impregnation of women in camps specifically designed for that purpose in Bosnia and Herzegovina; premeditated rape as a tool of political repression in Guinea-Conakry to punish women for participating in public life; and countless other cases. As part of the **continual process of adapting protection to the changing nature of conflict, the profound insecurity perpetuated by sexual violence must be addressed at the strategic and tactical level.** Peacekeeping and, more generally, national and regional security and defense policy, doctrine and training, need to keep pace with these evolving threats.

While the role of military components in peacekeeping missions is primarily to provide a secure environment as a precondition for advancing other elements of peace agreements, **contemporary conflicts have often necessitated direct interactions between military peacekeepers and local populations.** In some field locations, the first point of contact for the peacekeeping mission may be military personnel. Victims of sexual violence should be able to approach them and request support. The military therefore need to know how to provide a **first**

**response** that ensures respect for the wishes of the victim; provides information about available medical support; and appropriately documents the case, respecting privacy and confidentiality. The way peacekeepers respond to such cases can affect the **image of the mission** and, in turn, the **safety of the force.** Many commanders have realized that working closely with civilians and understanding the gender, ethnic and religious dynamics of the societies in which they serve relates directly to conflict resolution.

While the women's rights literature highlights the need to protect and empower war-affected women, military peacekeepers are barely mentioned. Yet they are a **vital piece of the overall protection puzzle.** The focus has rather been on the more developed field of police practice in responding to sexual violence. While the present paper primarily examines the role of the military, the issue of **coordination between police and military components of integrated missions** is a relevant consideration, hence some aspects of policing practice are referenced in this inventory. Coordination between military peacekeepers and other mission personnel, including justice, corrections, human rights, child protection and gender, is equally important and touched upon in the inventory and checklist, which do not purport to be comprehensive in this regard. While measures are taken by communities themselves, and the responsibility for maintaining a secure environment rests with government authorities, there remains an important provisional role to be played by uniformed peacekeepers in helping women to protect their lives and livelihoods, often providing a 'thin blue line' between security and terror. Although in some locations, effective protection can make the difference between life and death and serve as a deterrent to rape, abduction and forced displacement, the role of the military will always be limited. An effective response requires a well-planned and coordinated effort from an array of actors.

## 1.2 THE MANDATE ON SEXUAL VIOLENCE AS A THREAT TO PEACE AND SECURITY

“Effective steps to prevent and respond to such acts of sexual violence can significantly contribute to the maintenance of international peace and security.

– Security Council resolution 1820 (2008)  
Operative Paragraph 1

The lag in practical and tactical responses has **policy roots**. Conflict-related sexual violence has only recently been elevated to a place on the mainstream peace and security policy agenda. On 19 June 2008, the UN Security Council unanimously adopted **resolution 1820 (2008)**, acknowledging sexual violence as a “tactic of war” linked with the maintenance of international peace and security. Resolution 1820 (2008) demands the “immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians” (operative paragraph 2). This complements Security Council **resolutions 1325** (2000) and **1889** (2009) on *Women and Peace and Security*; Resolutions **1612** (2005) and **1882** (2009) on *Children and Armed Conflict*; and Resolutions **1674** (2006) and **1894** (2009) on the *Protection of Civilians in Armed Conflict*.

Resolution 1820 (2008) has been subsequently operationalized by **resolution 1888** (2009). Together they provide an ambitious platform for confronting a present-day emergency affecting millions of women and children. They require security actors, including UN and regional peacekeepers, to respond to sexual violence with as much determination as they would to any other atrocity. Resolution 1820 (2008) places sexual violence squarely within the security paradigm of the Council, acknowledging that it can **exacerbate armed conflict and impede the restoration of peace**.

As a result of resolutions 1325 and 1820, **peacekeeping missions are increasingly being specifically mandated to address sexual**

**violence** (six missions currently have addressing sexual and gender-based violence as a mandated task.) A positive example is MONUC, which was mandated through Resolution 1856 (2008) to “strengthen its efforts to prevent and respond to sexual violence, including through training for the Congolese security forces..., and to regularly report..., on actions taken in this regard, including data on instances of sexual violence and trend analyses of the problem” (operative paragraph 13). This new prioritization of sexual violence reflects an understanding that the credibility of peacekeeping operations is at stake if they are unable to protect civilians under imminent threat of physical violence, including sexual violence. The present document is an initial contribution to meeting the call in resolution 1820 (2008) for “effective guidelines and strategies to enhance the ability of relevant UN peacekeeping operations, consistent with their mandates, to protect civilians, including women and girls, from all forms of sexual violence” (operative paragraph 9). It also partly responds to the May 2010 *Report of the Special Committee on Peacekeeping Operations* (C-34), which “welcomes the Department of Peacekeeping Operations’ efforts to update training programs for military, police and civilian peacekeeping personnel to ensure they include operational guidance to protect women and girls from sexual violence. In this regard, the Special Committee encourages the Department of Peacekeeping Operations to work with other United Nations actors in identifying best practices for peacekeeping personnel to protect women and girls from sexual violence” (A/64/19, paragraph 127).

### 1.3 WHY FOCUS ON SEXUAL VIOLENCE?

“In a number of contemporary conflicts, sexual violence has taken on particularly brutal dimensions, sometimes as a means of pursuing military, political, social and economic objectives.”

– Report of the Secretary-General pursuant to Security Council resolution 1820 (S/2009/362) paragraph 6.

Sexual violence warrants specific attention as one of “**history’s greatest silences.**” Its impact is exacerbated by social and religious taboos, including a cultural disinclination to disclose abuse. Shrouded in shame, it is a torture tactic victims are reticent to reveal. It is precisely this stigma and silence, which supports impunity for the perpetrators, that has contributed to its prevalence as a war tactic of choice. In 1994, then-UN Special Rapporteur on Violence against Women Radhika Coomaraswamy characterized rape as “**the least condemned war crime.**”

Indeed, sexual violence **challenges conventional notions of what constitutes a security threat.** It is often invisible: the world does not witness rape in the same way as landmine injuries. Cheaper than bullets, it requires no weapons system other than physical intimidation, making it low cost, yet high impact. This may also render sexual violence **resistant to disarmament processes and ceasefire monitoring,** aimed to rid communities of conventional weapons and ensure the cessation of shooting and other openly hostile acts. Yet Disarmament, Demobilization and Reintegration (DDR) without psychological debrief, rehabilitation or follow-up may exacerbate sexual violence by reinserting ex-combatants into civilian settings in closer proximity to women and children, or by integrating past perpetrators into the national armed forces without a credible vetting process. Limited livelihood options for ex-combatants, combined with militarized notions of masculinity, learned patterns of aggression, and drug and alcohol abuse, may perpetuate violent behavior.

In the case of Liberia, available data indicates that the perpetrators of sexual violence during the conflict were principally combatants. Post-conflict, the majority of perpetrators are ex-combatants, former child soldiers or young men brutalized by the conflict. However, rather than analyze the continuum between the current prevalence of rape and the 14-year civil war, there is a tendency to call it a ‘cultural’ phenomenon, as these ex-combatants are now teachers, family members, religious and community leaders. As one Liberian Senator told us: “*the rapists are now in three-piece suits*”—meaning they have changed their image and attire, but not necessarily their attitudes or behavior. An UNMIL (United Nations Mission in Liberia) military observer further informed our research team that “*the nature of rape in this country makes it impossible for UNMIL to organize physical preventive measures like patrols because the perpetrators live with the community and the offences take place from within*”. This reveals that **peacekeepers trained to respond to the use or show of force may be ill-prepared and configured to combat the use of rape.** Often the chief obstacle is not *culture*, but capacity. UNMIL’s approach accordingly centers on training, sensitization and building the government’s capacity to protect its citizens.

A **public/private divide in security policy has kept rape off the radar** of international and regional security institutions, thereby reducing the prospects for intervention and redress. Indeed, a recurrent objection has been that including SGBV in peacekeeping would implicate the mission in the ‘private’, rather than public, affairs of a State. However, gender dynamics are already part of any conflict and hence violence may **predominate in private or semi-private spaces**, such as homes, camps or compounds far from the ‘battlefield’, **this does not mean it is unconnected to the conflict.** As the Oxfam/Harvard Humanitarian Initiative report on sexual violence in DRC notes, over half of all sexual assaults that took place in the supposed safety of

the family home were committed by armed combatants (“Now, The World Is Without Me”, April 2010, showing that 56 per cent of assaults were carried out in the home by armed men, while 16 per cent took place in fields, and almost 15 per cent in the forest; the study also found that rape spiked during military activities). In conflict/post-conflict zones, where the perpetrators of sexual violence are affiliated with armed groups, this may fall within the scope of a peacekeeping mandate in a way that ordinary domestic crimes or purely internal matters would not. The relevant issue is the nexus with peace and security, rather than the location in which rape occurs. Mandates that require peacekeepers to “prevent and halt acts of extreme violence”, in particular “violence emanating from any of the parties engaged in the conflict”, will therefore often include sexual violence.

Conflict-related sexual violence is comparable in its *intent*, *extent* and *impact* to any classical method of warfare. It often has an **aggravated character**, such as gang-rapes; rapes accompanied with torture, mutilation or branding; rapes with objects; rapes in the presence of family members; or rapes of particularly taboo categories of victim such as men, boys and the elderly. Dr. Mukwege, who has been treating sexual violence survivors in DRC for a decade, describes this as “Rape with Extreme Violence (REV)”, stating that “[o]n any given night in eastern DRC, armed groups of men will overrun a village and divide into bands of three to five, forcing themselves into houses where they seize and serially rape women and young girls. Some mutilate female genitals with guns, pieces of glass, wood, or heated plastic. Some take their victims to the forest and torture them as sex slaves for days, months, or years” (Dr. Denis Mukwege, Cathy Nangini, “Rape with Extreme Violence: The New Pathology in South Kivu, DRC”, *PLoS Med* 6(12), Dec. 2009). **Far from being cultural or inevitable, this is a method of warfare that has a sexual character.** The lack of repercussions for

such acts can fuel a culture of sexual predation. In some armed groups, refusing to rape may be more likely to have negative consequences than actually committing the crime. For instance, gang-rape was used as a bonding mechanism for forcibly recruited rebels during the civil war in Sierra Leone, and constructed as the action of a “successful soldier” during the conflict in the former Yugoslavia.

NGOs such as *Médecins Sans Frontières* (MSF) have noted the **persistence of sexual violence during and in the wake of armed conflicts, despite conventional protection strategies.** MSF further reports that with every fresh outbreak of armed conflict in the DRC, sexual violence against women and girls escalates. Other commentators have observed that the large peacekeeping presence in the DRC has corresponded with an apparent acceleration, rather than decline, in sexual violence (noting this does *not* refer to sexual abuse by peacekeepers, but rather sexual violence by armed groups in peacekeeping areas). This apparent acceleration could be explained by the fact that improved security makes women less afraid to report; the security umbrella enables the work of humanitarian organizations that collect this information; and it would be difficult to access the information at all if peacekeepers were not present. Nonetheless, data suggests that the presence of MONUC has measurably lowered the incidence of overall violence in their areas of responsibility, but has not had a comparable impact on the prevalence of rape. For example, in November 2007, MONUC reported its success in South Kivu, including a “*sharp reduction in violent incidents*”, yet simultaneously mentioned that incidents of rape across the country “*remain prevalent*”.

MONUC, as well as several human rights organizations, have noted an escalation of sexual assaults in eastern **DRC**, leaving some villages virtual ghost towns. The UN registered 7,703 new cases of sexual violence in the Kivus in 2008;



and between January and June 2009, 5,387 rapes were reported in South Kivu alone—a 30 per cent increase compared to the same period the previous year. In total, 15,275 rape cases were registered in DRC over the course of 2009. Very few cases are investigated or prosecuted. For instance, according to a representative of the Office of the High Commissioner for Human Rights (OHCHR) in DRC, of some 14,200 rape cases registered in South Kivu between 2005-2007, just 2 per cent of perpetrators were ever pursued. In March 2009, the International Crisis Group (ICG) noted critically that even as State authority in DRC is extended and the political environment becomes more conducive to conflict resolution, women who are raped everyday remain voiceless: *“There’s no longer fighting, just women being raped, so everyone is happy”*. This reflects a prevailing opinion that a security situation has improved when inter-group fighting has ceased or become sporadic, even though large numbers of women continue to be raped.

In **Darfur**, women have been living under the shadow of conflict-related sexual violence for several years. UN Secretary-General Ban Ki-moon reported to the Security Council on 13 July 2009, that *“large-scale violence stretching over a wide territory and for lengthy periods is now infrequent”*, and yet *“banditry and sexual violence continue to plague civilians throughout Darfur”*, particularly the 2.6 million forcibly displaced. Even though the overall level of violence has declined significantly since the joint UN-African Union (AU) hybrid operation in Darfur (UNAMID) was formed, **sexual violence remains a hallmark of the crisis.**

In **Haiti**, prior to the January 2010 earthquake, data collected by NGOs revealed an alarming spike in sexual violence despite the presence of the United Nations Stabilization Mission in Haiti (MINUSTAH). The number of reported cases of raped women and girls increased by 40 per cent from 1,100 cases in 2007 to 1,600 cases

in 2008. Some have attributed this to safer reporting conditions, but incidents nonetheless remain sufficiently widespread to threaten overall security, as well as the ability of women and girls to benefit from the peace dividend. Among the aftershocks of the January earthquake was a **spike in sexual and gender-based violence, correlated with increased instability.**

In **Timor-Leste** during the crisis in 1999, 27 per cent of women reported physical violence by members of militias/ military, whereas post-conflict rates of violence against women were one-quarter of those reported during the crisis period. More specifically, one in four women reported sexual violence during the crisis, as opposed to one in eight post-crisis (according to a report by Hynes, Ward et al., “A Determination of the Prevalence of Gender-based Violence among Conflict-affected Populations in East Timor”, 2004). This demonstrates a correlation between instability and increased sexual violence that cannot be explained by a straightforward “continuum of gender-based violence” from times of peace to times of war.

In a 2005 report to the Security Council, Former UN Under Secretary-General Jan Egeland stated: *“The recurrent use of sexual violence is arguably one of the worst global protection challenges due to its scale, prevalence and profound impact... Far from making general progress, we have in too many places regressed. We have information of more and more women being attacked; younger and younger children are victims of these atrocities”*. At a high-level UN colloquium on conflict-related sexual violence and peace negotiations, held in June 2009, Mr. Egeland lamented the **striking lack of progress in this area**, noting a lingering *“conspiracy of silence”* and tendency to *“leave conflict-related sexual violence to humanitarian agencies, and all they do is offer a rape survivor a blanket and some food. They can document it and provide for victims, but cannot stop it”*. Similarly, UN Secretary-General

Ban Ki-Moon observed during his mission to the DRC in March 2009 that the scale and severity of sexual violence continues in a way that *“violates everything the United Nations stands for”*. He further observed that while *“the situation on the ground is improving”*, **rape remains “common-place”**. Indeed, sexual violence can become **socially normalized** during and after conflict, which undercuts confidence in nascent government institutions and makes a mockery of efforts to reinstate the rule of law.

In addition, sexual violence has sweeping socioeconomic implications: inhibiting women’s workforce participation and girls’ school attendance. It is particularly devastating in traditional societies where women’s status is often linked to marriage and motherhood, as the consequences of rape (including irreparable fistula and infertility) **may permanently exclude victims from community life**. Being raped or labeled a ‘rebel wife’ or ‘child of the enemy’ can result in lifelong social ostracism and neglect. The physical and psychological trauma and disease inflicted by rape renders it a form of ‘biological warfare’, with ripple effects extending from the victim to their family and community. This can spark vicious cycles of attack and retribution that hinder reconciliation. Rape perpetrated publicly and in front of loved ones may prevent community recovery through a forced repudiation of family ties. Action to address sexual violence by peacekeepers, as well as official punitive action, is important as it signifies to the community that rape is not the victims’ fault, but a crime to be taken seriously. This also serves as a warning and deterrent to would-be perpetrators.

Sexual violence is directed mainly, though by no means exclusively, against women and girls. **Men and boys** are also exposed to rape and other forms of sexual violence during and in the aftermath of armed conflict, as an instrument of terror and collective punishment, during detention and interrogation, as an expression of ethnic hatred and humiliation, and to emasculate and

shatter leadership structures. Though data is limited, UNFPA reports that 80% of the 5,000 male inmates held at a concentration camp in Sarajevo Canton reported being raped. Sexual violence is not specific to any group, culture or continent. In varying forms and degrees, it **spans all of history and all geography**. Accordingly, the present inventory covers conflicts in the Balkans, Africa, Asia, the Pacific and the Middle East—though recent years have seen the African continent disproportionately affected by a wave of internal conflicts in which sexual violence has been a feature of the fighting.

#### **1.4 RESPONSES BY PEACEKEEPERS—TAKING STOCK OF EFFORTS TO ADDRESS SEXUAL VIOLENCE**

“One might wonder why the Rwanda Defense Force is at the forefront of combating gender-based violence... But our experience during the genocide of 1994 opened our eyes and is inevitably related to our intolerant attitude to this crime. Who cannot combat this heinous crime if it impacted on him or her directly? Rwandese women were victims of this evil during the genocide. The same spirit drives us in peacekeeping missions. Whether we are in Khartoum or Darfur or the Comoros, it is as if we are in another province of Rwanda. We see the women as our own mothers, sisters and aunties. And we do for them as we would do for our mothers and sisters back home.”

– Rwanda Defense Force (Rdf) Army Chief of Staff, Lt. General Charles Kayonga, UNIFEM Conference, Kigali, March 2008.

In the face of intensifying, strategic attacks of a sexual character, peacekeepers have endeavored to provide, or support efforts to provide, an effective response. This has proved challenging in the absence of clear mandates, tailored training, dedicated resources and incentive structures that encourage proactive protection and preparedness. The inventory of tactical respons-

es employed to date [see Part 2], which aims to provide a basis for designing future interventions, was hence demand-driven. ‘Business as usual’ has not adequately equipped uniformed peacekeepers to combat this form of conflict-related crime. ‘Best practice’ is admittedly a vexed description of the strategies cited, as women have not consistently experienced them as such. ‘Lessons learned’ is equally inapplicable, as cross-mission learning and information-sharing on actions to address sexual violence is yet to occur. The challenges and trade-offs associated with various responses to sexual violence, as well as their direct or indirect protection dividend for women and girls, were therefore analyzed prior to their inclusion in this inventory.

The inventory of tasks and tactics is illustrative rather than prescriptive or comprehensive. It is evidence of promising practice that could be scaled-up, rather than a formal position of the UN system or its constituent entities. It originally served as a springboard for discussion by actors with operational experience and Security Council members during a high-level conference at Wilton Park in May 2008, whose report is included in this collection. By providing precedents for practitioners to nuance, supplement and contest, the aim was to stimulate reflection on creative, practical solutions that can advance women’s protection, and overall mission success. Since this process began, there has been a virtuous cycle of increased attention generating more effective practice on the ground. The Wilton Park Conference engaged Generals alongside gender experts, to broaden the constituency for sexual violence prevention and response, by viewing it through a security as well as a gender lens. The present document continues in this direction, by bringing gender analysis and the practice of military and police peacekeepers into closer contact. The proposal in Security Council resolution 1888 (2009) that Women Protection Advisers (WPAs) be appointed in peacekeeping missions, on a case-by-case basis, provides a

further bridge between operational protection and gender-sensitivity skill sets.

In keeping with the pragmatic character of peacekeeping operations, the focus is on solutions that warrant deeper discussion, dissemination and potential replication, taking into account circumstances prevailing on the ground and the strategies in which specific tasks are embedded. The inventory is structured around issues that present distinct security risks for women and deserve specific consideration in training and planning, but may be overlooked. For instance, it is not enough to plan for and conduct patrols. If information suggests that women are at risk of sexual violence when carrying out culturally-assigned tasks like firewood or water collection, peacekeepers must first understand that this has security dimensions that require a specific response. This response may include the presence of female peacekeepers on patrols and female language assistants to coordinate the patrol calendar with local women. Consultation with women about their needs, concerns and experiences has been crucial to ensuring the success of protection strategies.

## 1.5 “WAR IS NOT OVER WHEN IT’S OVER”

“Sexual violence was our big weapon...we did it as a way of provoking the Congolese Government. Sexual violence has led to the Government wanting to negotiate with us.”

– Commander Taylor

CNDP (National Congress for the Defense of the People), In 2009 Documentary “Weapon of War: Confessions of Rape In Congo”.

Where rape has been employed as a method of warfare, it can become a habit carried seamlessly into the post-conflict context. Women become convenient targets of frustration in a fractured, brutalized society, where law and order is held in abeyance. In some cases, rebel commanders or “spoilers” who seek to disrupt implementation of

a mission mandate, use exactions against civilians to earn them attention as a force to be reckoned with. The more shocking the violence, the more effective it is. This can mean that mass rape is more likely to lead warlords to the negotiating table or the corridors of power, than to the cells of a prison. As many war correspondents and reporters from the frontlines have observed, for women “war is not over when it’s over”. However, sexual violence is rarely mentioned in ceasefire agreements. The UNIFEM paper on peace negotiations (‘Women’s Participation in Peace Negotiations: Connections between Presence and Influence’) included in this collection, notes that since the end of the Cold War, out of approximately 300 peace agreements only 18 have mentioned sexual or gender-based violence, and that in 24 peace processes over the past two decades, women formed less than 8 per cent of negotiating teams. When wars end, violence against women continues and often escalates.

This is relevant for peacekeepers who may find themselves operating in a “nation of widows”—a term used to describe the post-conflict demographics of Rwanda, Afghanistan and Sierra Leone—or in contexts where every armed group, and even male civilians, profit from the cover of war to rape, abduct, extort and coerce women into forced marriage, labor or prostitution. Moreover, the persistence of sexual violence can delay the return of refugees and IDPs to their original domiciles, and thus reduce a society’s ability to reconstitute. This is relevant for peacekeepers whose mandates may require them to facilitate the voluntary and sustainable return of refugees and IDPs.

In Burundi in 2006, despite the war being mostly at an end, and the United Nations Operation in Burundi (ONUB) being in place, the International Rescue Committee (IRC) and MSF reported a steady stream of mothers bringing daughters for post-rape care in areas where rebel groups had settled. In Northern Uganda in 2007, even as the political situation stabilized, rape remained ram-

part in the camps. In Liberia, rape is currently the number one crime reported to the Liberian National Police (LNP) according to the monthly crime statistics. Despite the prevalence of sexual violence and women’s pivotal role in peacebuilding, the issue was not addressed in the 2003 Liberian Peace Agreement. Rather, the arrival of ECOWAS at the end of the civil war marked a “frenzy of rape” as a form of “scorched earth policy” by both rebel and government fighters, who saw the female population “as booty to be taken before the peacekeepers took over” (according to a 2004 study by the African Women and Peace Support Group, “Liberian Women Peacemakers: Fighting for the Right to be Seen, Heard and Counted”).

Ceasefire monitors should be mandated to ensure that when the guns fall silent, raping does not continue unchecked. Otherwise, ex-belligerents can claim to adhere to the formal terms of a peace accord while waging a proxy war on one another’s women. Peacekeepers cannot be omnipresent, but when they deploy between opposing factions to keep them at bay and to ensure the ceasefire on the ground, what they monitor should include the cessation of sexual violence. Otherwise, license to loot and rape at gunpoint (be it implicit or explicit) can prolong conflict, providing incentive for irregularly-paid rebels to continue or resume the fight.

## 1.6 PARTICIPATION AND EMPOWERMENT

“Women are seen to be much less threatening and much more accessible to the local population than men, particularly when you go into a community of mostly women and children.”

– Michelle Lee

Former UN Peacekeeper,

“Women Peacekeepers Making a Difference”,  
Jane Lloyd, UN Chronicle, 2006.

Gender balance in peacekeeping can help the UN to “lead by example” in relation to women’s

empowerment as both security providers and beneficiaries. Women may have a comparative operational advantage in sexual violence prevention, having greater proximity to groups at risk. The sending a message that women are credible interlocutors regard, 'empowerment' advances mandate implementation by broadening the base of participation for peacebuilding, so a nation is not deprived of half its human resources. The preamble of resolution 1888 (2009) mentions the role of peacekeepers in "helping to build a security sector that is accessible and responsive to all, especially women". Increasing the number of women peacekeepers specifically trained on sexual violence is an important challenge for troop and police contributing countries.

Since the adoption of Security Council resolution 1325 (2000), awareness that "an understanding of the impact of armed conflict on women and girls...can significantly contribute to the maintenance and promotion of international peace and security" has grown, yet this insight has rarely been operationalized, let alone systematized. Efforts are being made to protect women from conflict-related violence, but they generally occur in the absence of explicit mandates, tested tactics and analytical tools. As a result, they have generally been reactive, short-term and ad hoc. For instance, if firewood patrols to protect women from attacks outside of camps are being conducted in different ways, by different battalions, in different missions, the most effective techniques should be identified for information-sharing purposes. Women's physical security is a right in itself and a pre-requisite to the realization of all other rights, such as freedom of movement and equal participation in social, economic and political life.

## **1.7 SEXUAL EXPLOITATION AND ABUSE ALLEGATIONS TEND TO OVERSHADOW EFFORTS TO CONTRIBUTE TO WOMEN'S SAFETY**

"We initially thought 'gender issues' were only about the behavior of troops...not realizing the operational interest, the added value to the effectiveness of the mission of integrating gender perspectives."

– BRIG. General Jean-Philippe Ganascia  
Former Force Commander of EUFOR/CHAD,  
EU Seminar "Strengthening ESDP Missions and  
Operations Through Training on UNSCR 1325  
and 1820", Brussels, 9 July 2009.

Many women's rights advocates and humanitarian actors agree that peacekeepers make a crucial contribution to women's safety. Yet this discussion has largely been eclipsed by the media spotlight on Sexual Exploitation and Abuse (SEA). SEA figures prominently in the press, while successful peacekeeping initiatives are often overlooked. Indeed, discussions of peacekeepers and sexual violence have disproportionately portrayed them as perpetrators rather than protectors. Field research suggests that this has had the effect of distancing personnel from the host population, thereby limiting situational awareness of women's needs and risks. While it is important to avoid conflating the two, SEA can have a complex relationship with SGBV prevention. Fear of SEA allegations may deter uniformed personnel from operating in proximity to women or undertaking, for example, much-needed night foot patrols. It may also compound efforts to engage local women as language assistants and community liaisons. This could diminish innovation and de-motivate the mission from taking proactive steps to protect.

Peacekeeping regulations generally prohibit military peacekeepers from 'fraternizing' with local populations. However, peacekeepers interviewed agreed that the force could occasionally support

forums for the military and local populations to exchange experiences and knowledge, and could also perform more humanitarian tasks like supporting recreational/sporting activities or imparting farming skills. Certainly, full implementation of the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) is critical to preserving the credibility required for the military to perform its functions, but opportunities to improve relations with the host population should not be inhibited by fear of SEA allegations.

The present paper does not cover conduct and discipline issues such as SEA, but rather aims to provide a platform for assessing, improving and up-scaling emerging good practice to curb sexual violence employed by armed groups.

### 1.8 SUMMARY

In sum, sexual violence is one of the most challenging issues to address in peace and security work. Often called 'the war within the war', it occurs in places not routinely patrolled by peacekeepers. It occurs in contexts where gender-based violence may be prevalent, making it difficult for peacekeepers and ceasefire monitors to discern when and why sexual violence falls within their purview, as articulated by Security Council resolution 1820 (2008). Reliable information on trends, common contexts of attack and the profile of perpetrators remains elusive, in part

because victims—not attackers—are shamed and stigmatized. Some communities are more concerned about the honor and repute of the family, than the harm done to the woman or child. This seems to be magnified on a national scale, where the priority is rarely providing reparations to victims, but rather collectively 'erasing' sexual violence from the historical record to expedite reconciliation. When it becomes generalized as a chronic social problem, perpetrators are all the more difficult to identify and apprehend. Yet peacekeepers are mandated to create the security conditions that enable efforts to consolidate peace.

This must mean peace and peace of mind for all members of the population—men and women; boys and girls. Unlike burnt buildings or ransacked fields, sexual violence can take generations to heal—destabilizing communities even as security actors strive to build peace.

This inquiry marks a modest first step towards replacing improvisation with systematization, to catch the women and girls who may otherwise fall through the safety net of peacekeeping practice. It should serve as a catalyst for the cross-fertilization of ideas on what is working and needs to be expanded; what is not working and needs a more strategic response; and what critical gaps remain.

- Lionel Healing/AFP/Getty Images



# 2: INVENTORY OF TASKS AND TACTICS

The following compilation of practice to directly or derivatively combat sexual violence, provides a knowledge base for military peacekeepers and planners in their respective task areas. It is also intended as a tool for national and regional military institutions to discuss practical approaches to sexual violence in theatre. The tasks are numbered for ease of reference, including for the purpose of cross-referencing the examples with operational training scenarios to be distilled from this research and provided to Troop/Police Contributing Countries as a pre-deployment training resource. It also aims to inform the development of **doctrine and mission-wide strategies** being developed pursuant to the DPKO/Department of Field Support (DFS) Protection of Civilians Operational Concept. It is one of a number of tools being developed by DPKO and partners to enhance the impact of peacekeeping. Effective prevention of sexual and other forms of physical violence should be carried out in a comprehensive way that helps restore social structures disrupted by armed conflict and avoids creating dependency on an international security presence. In that context, the **military dimension is a valuable but very limited component**. The examples listed will not apply to all mission contexts or correspond to all mandates. It is hence critical to retain flexibility, while learning from past practice. The following practices have been compiled in order to distil emerging elements of an effective response [see Part 3] and to aid systematization and dissemination.

TASK/TACTIC	ILLUSTRATIVE EXAMPLES
<b>2.1 PREVENTIVE PHYSICAL PROTECTION: ARMED PATROLS AND ESCORTS</b>	
A. FIREWOOD PATROLS	<ul style="list-style-type: none"> <li data-bbox="487 1255 1409 1369">&gt; Armed escorts accompany women/girls when collecting firewood beyond camp perimeters to anticipate and avert predictable risks such as ‘firewood rape’.</li> <li data-bbox="487 1411 1409 1483">&gt; Mobility/speed of patrols is critical for a rapid response to sexual assault and can also have a deterrent effect.</li> <li data-bbox="487 1524 1409 1680">&gt; Patrols have been particularly well-received when they are close enough on the ground to discern potential threats, but not so close as to impede women’s normal routines, and when communities have been given reminders in advance as well as on the day of patrols.</li> <li data-bbox="487 1721 1409 1835">&gt; AU civilian police and military observers in Darfur drove deep into the bush to patrol a remote area where thousands of women/girls ventured several times per week to collect firewood, which had resulted in numerous rapes.</li> </ul>

	<ul style="list-style-type: none"> <li>&gt; Twice per week on designated days, UN police cars, pickups and UNAMID APCs (Armored Personnel Carriers) escorted women from Darfur's Kalma refugee camp into the surrounding hills and waited while groups of women chopped branches and raked grass for animal fodder.</li> <li>&gt; Noting that when women arrive in the bush they generally disperse to maximize coverage, UNAMID initiated some aerial patrols, in addition to vehicular patrols, when fuel and air-time could be made available</li> <li>&gt; Managing community expectations is important as patrols can be cancelled due to low troop density or gaps between the time one contingent leaves their duty station and their replacements become operational. Patrols may also displace, rather than prevent or neutralize, armed violence.</li> <li>&gt; Firewood patrols are particularly effective when trust is built between participants and patrollers through 'firewood patrol committees' that discuss timing, frequency, route selection, distance and how the patrol will be carried out; a translator accompanies patrols; and patrols are conducted on a regular and predictable basis.</li> <li>&gt; There is a difference between patrols and mere transportation: in some cases, women have been dropped off at firewood collection sites, leaving them vulnerable on their return to camp. It must also be taken into account that women bearing wood, water or other provisions are slow-moving targets at risk of being robbed, raped and forced to surrender their supplies to armed elements.</li> </ul>
<p>B. WATER ROUTE PATROLS</p>	<ul style="list-style-type: none"> <li>&gt; In Darfur, armed patrols accompany women/girls (the primary water-collectors) along water supply routes, as armed groups often camp near rivers to secure their own supply</li> <li>&gt; Escort teams move out ahead of women/girls to secure water-collection points and forestall or warn of risks.</li> <li>&gt; At the request of humanitarian actors in Ethiopia, proactive assistance was provided to women in transporting water jugs, supplying bulk water to communities, and in constructing water bladders or wells to reduce the burden on women and earn the trust of the community.</li> <li>&gt; In Goma, DRC, combatants entered an IDP camp in violation of its civilian character due to a need for water supplies. In response, MONUC supported the construction of a water bladder outside the camp.</li> </ul>
<p>C. MARKET AREA/TRADE ROUTE PATROLS</p>	<ul style="list-style-type: none"> <li>&gt; AMIS patrols accompanied women to and from market.</li> <li>&gt; In DRC, few women initially followed the market patrols, but as confidence increased more and more women began to benefit from the enhanced sense of safety to access markets. This has improved trade and contributed to economic development.</li> </ul>



	<ul style="list-style-type: none"> <li>&gt; Rehabilitating transportation permits women to travel with children, rather than leaving them unattended.</li> <li>&gt; Dismantling roadblocks or adding a peacekeeping presence and oversight role at checkpoints en route to market can reduce the risk of harassment and extortion.</li> <li>&gt; In DRC, market entrances were sealed before sunrise and a patrol kept in the area for the duration of trade, to help ensure a “weapons-free zone” to facilitate women’s economic activity, which often has a powerful multiplier effect for recovery and development.</li> <li>&gt; Patrols have been deployed around (militarized) mining areas and trade arteries where sexual violence is prevalent.</li> </ul>
D. NIGHT PATROLS	<ul style="list-style-type: none"> <li>&gt; In Darfur, regular night patrols have been deployed around camp perimeters in response to rape, live fire incidents and sleep disturbance.</li> <li>&gt; Joint crime-prevention night patrols (foot and vehicular) have been undertaken with local police in Liberia. By mentoring the unarmed local police, UNMIL’s all-female FPU (Formed Police Unit) have helped them deal with lingering suspicions of citizens whose trust in the uniform was eroded by civil war.</li> <li>&gt; An UNMO (Unarmed Military Observers) night presence was placed in communities at risk in Rwanda during the genocide.</li> <li>&gt; “Owning the night” is an important military task that contributes to building a safe and secure environment. Night patrols have a considerable element of surprise, which keeps potential perpetrators of crimes off balance</li> </ul>
E. BORDER PATROLS	<ul style="list-style-type: none"> <li>&gt; Security at border crossing-points, such as the Sudan-Chad border, helps to protect uprooted populations (the majority of whom are women and children) and monitor the movement of arms, troops and resources, including cross-border human trafficking in women/girls for sexual slavery and enforced prostitution.</li> <li>&gt; Capacity-building in this area has begun to ensure that it is not only arms and contraband that is checked by border security, but also signs of human trafficking, in line with new understandings of sexual violence as a security issue.</li> </ul>
F. FOOT PATROLS TO PROTECT HARVESTERS ACCESSING FIELDS; CHILDREN EN ROUTE TO SCHOOLS	<ul style="list-style-type: none"> <li>&gt; Areas have been cordoned off to permit farming/foraging, mostly undertaken by women.</li> <li>&gt; Foot patrols escort women leaving camp to pursue sustenance activities and ensure their freedom of movement. Women are the backbone of agricultural economies, making their ability to safely access fields critical to the fight against poverty.</li> </ul>

	<ul style="list-style-type: none"> <li>&gt; In Darfur, contingents have assisted women to harvest crops in volatile areas and increased women's freedom of movement to access fields.</li> <li>&gt; Targeted mine risk awareness for women/girls helps to ensure physical security in connection with accessing fields.</li> <li>&gt; The presence of military peacekeepers has helped facilitate safe access to schools for girls/boys in insecure settings. This is especially important in settings like Goma, DRC, where monthly crime statistics show that the rape of minors is most common at times corresponding to the commute to and from school.</li> </ul>
G. UNARMED PATROLS TO TACKLE SGBV IN CAMP SETTINGS	<ul style="list-style-type: none"> <li>&gt; In Darfur, efforts to curb SGBV and other criminal activity in/around refugee and displacement settings have included regular unarmed patrols to secure the camp vicinity.</li> <li>&gt; Capacity-building/support has been provided to community policing initiatives in DRC and Liberia.</li> </ul>
H. RANDOM PATROLS/CHECKPOINTS	<ul style="list-style-type: none"> <li>&gt; In Kosovo, it was observed that unannounced, random foot patrols and checkpoints kept perpetrators off balance. In some settings, this has been linked with an emergency "hot-line" service (or locally-adapted equivalent) for at-risk communities and lone women.</li> <li>&gt; Efforts to contact government authorities to request the removal of illegal checkpoints where women are harassed have been followed-up by military spot checks.</li> <li>&gt; Political efforts to ensure the payment of army salaries have an indirect effect in reducing extortion and illegal taxation of vulnerable/unarmed individuals at roadblocks.</li> </ul>

**2.2 JOINT PROTECTION TEAMS (JPTs)**

A. JPTs/JOINT TEAM SITES	<ul style="list-style-type: none"> <li>&gt; The practice of military observers and civilian liaison personnel patrolling from a joint team site helps ensure that information from humanitarian partners (who have greatest access to and dealings with the population) can support trend/ pattern analysis undertaken by the military and enhance planning.</li> <li>&gt; The aim of JPTs is to facilitate humanitarian access; support community protection; and improve coordination and information-sharing between troops, the host population and its representatives, including women.</li> <li>&gt; In MONUC, this practice helped to coordinate the activities of the force with the activities and priorities of the substantive civilian sections and UNPOL.</li> <li>&gt; UNMIS has begun to incorporate the best practices of MONUC, such as setting up a JPT of military and civilian personnel, as well as temporary bases near the local population.</li> </ul>
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	<ul style="list-style-type: none"> <li>&gt; Combined UNAMID military and police patrols have been established within and outside IDP camps.</li> <li>&gt; In Feb. 2008, MONUC deployed JPTs to seven locations in North Kivu and two in South Kivu. The JPTs, supported by civilian components of MONUC, have cooperated with local authorities and communities, and implemented measures such as voluntary curfews and night patrols in high-risk areas.</li> </ul>
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### 2.3 QUICK IMPACT PROJECTS (QIPs)

<p>A. PROVISION OF FUEL/ FIREWOOD</p>	<ul style="list-style-type: none"> <li>&gt; To reduce the risk and time women spend in fuel collection, uniformed peacekeepers have engaged in the provision of fuel.</li> <li>&gt; Physical protection has been provided during collection, coupled with the promotion of fuel-efficient locally-adapted technology and assistance in developing alternative fuel sources, with support from appropriate partners.</li> </ul>
<p>B. PROVISION OF FUEL-EFFICIENT STOVES/PROMOTION OF FUEL-EFFICIENT ALTERNATIVES</p>	<ul style="list-style-type: none"> <li>&gt; Providing stoves in contexts like Somalia or Darfur, in cooperation with national women's associations and other appropriate partners, can be a proactive prevention measure to reduce the need for firewood and thus for women to leave the camp. This is especially effective when accompanied by alternative income-generating options for women reliant on selling wood as a form of livelihood/for commercial purposes.</li> <li>&gt; This can be done as a Civil-Military Cooperation (CIMIC) activity, capitalizing on military capacity, including engineering capability to show communities new cooking techniques (bearing in mind the need to avoid confusion among the humanitarian actors).</li> <li>&gt; Slow-combustion stove construction can help cultivate positive relationships with local women, and reduce the need to disperse the force through regular firewood patrols, which can result in being too thinly-spread on the ground. This was the case when the Rwanda Defense Force contingent of AMIS worked with local women in Darfur to build "Ronderezas" (fuel-efficient clay stoves traditionally used in Rwanda), which reduced the need for firewood by up to 80 per cent. The original aim of the stoves was to minimize environmental degradation/desertification, however they doubled as a protection mechanism, which the RDF found to be <i>"well-appreciated by the population, especially the women"</i>.</li> <li>&gt; Complementary humanitarian strategies, like distributing pre-cooked beans and food that requires less cooking-time and hence less firewood, can mean it then becomes feasible to provide escorts without becoming overstretched.</li> <li>&gt; During the Bougainville Peace Monitoring Group deployment, some Fijian soldiers noticed that being regularly forced to flee insecurity had compelled the community to limit its diet. They worked with women to identify alternative food sources and cooking solutions. This dialogue also gave them a more complete picture of the security situation.</li> </ul>

<p>C. CONSTRUCTION PROJECTS</p>	<ul style="list-style-type: none"> <li>&gt; Quick Impact Projects (QIP) funding has supported the construction of Women’s Shelters for survivors of SGBV, as in South Kivu, DRC, where a dedicated shelter provides counseling/ psychosocial support.</li> <li>&gt; CIMIC/QIPs projects have helped rehabilitate shower and latrine facilities in camps, providing lighting, improved privacy and separate entrances for men and women, which can help reduce the risk of rape.</li> <li>&gt; When conflict/crisis weakens penitentiary systems, efforts to rehabilitate prisons can be critical to the fight against impunity, including for sexual violence. UNMIL military engineers reinforced the perimeter walls of Monrovia Central Prison and posted guards outside the facility to deter jail breaks (particularly significant in a country where rape is the most frequently-reported crime).</li> <li>&gt; A women’s prison wing was constructed (in consultation with appropriate partners) using MONUC QIPs resources following reports that women co-housed with male inmates were becoming pregnant and/or HIV-positive.</li> </ul>
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**2.4 DETERRENT TASKS, INCLUDING THROUGH VISIBLE PRESENCE**

<p>A. “OPERATION NIGHT FLASH”</p>	<ul style="list-style-type: none"> <li>&gt; In one instance in eastern DRC, truckloads of MONUC peacekeepers drove into the bush and kept their headlights on all night to signal presence in the area. In the morning, numerous women/girls were found sleeping in the safe area beneath the headlights.</li> <li>&gt; A visible presence can provide an anchor/congregation point for at-risk civilians.</li> <li>&gt; Use of flares/illumination mortars (‘night flashes’) is a form of ‘deterrence through presence’ in areas where women/girls are being abducted and raped.</li> </ul>
<p>B. VILLAGE VIGILANCE/DEFENSE COMMITTEES</p>	<ul style="list-style-type: none"> <li>&gt; Community alarm schemes have been established by MONUC using designated villagers to bang pots or blow whistles to alert nearby forces to the arrival of intruders. This functions as a force multiplier in early warning where a Rapid Reaction Force is on stand-by to respond to disturbances.</li> <li>&gt; Peacekeepers have coordinated with ‘Community Watch Teams’ (trained by UNHCR) in IDP camps. This involves IDP volunteers patrolling the camp intervening, mediating and reporting as needed.</li> <li>&gt; Efforts have been made to support self-protection initiatives such as IDPs moving in groups to reduce incidents of SGBV, following a “shared responsibility concept” developed in coordination with chieftains/village elders and IDP representatives.</li> <li>&gt; A policy of ‘safety-in-numbers’/communal labor groups has been encouraged, while not assumed to be a protection panacea.</li> </ul>

<p>C. ESTABLISHMENT OF DEMILITARIZED ZONES (DMZs)/SAFE HAVENS</p>	<ul style="list-style-type: none"> <li>&gt; Including women-specific safe havens/shelters as part of the protection strategy was a recommendation voiced by Platoon Commanders and other peacekeepers interviewed in the field. Demilitarized Zones (DMZ)/safe areas have been used in contexts such as Iraq, Bosnia, Rwanda and Sri Lanka.</li> <li>&gt; Establishing safe areas/DMZs could respond to situations where insecurity has triggered “pendulum displacement”, that is when civilians hasten to temporary safety around peacekeeping bases as a proxy “safe haven”.</li> <li>&gt; In cases of “pendulum displacement” in DRC, the MONUC base was equated with a safe haven or anchoring point for civilians.</li> </ul>
<p>D. TEMPORARY/MOBILE OPERATING BASES (TOBs/MOBs)</p>	<ul style="list-style-type: none"> <li>&gt; Long-range mobile patrols expand the perimeters of protection and increase geographic coverage, projecting a greater sense of security for civilians at risk.</li> <li>&gt; Some displaced persons have reported feeling sufficiently reassured to return to their village of origin after MONUC mobile patrols established a visible presence in the area.</li> <li>&gt; The deployment of TOBs in places like Jonglei state and Abyei, Sudan, as well as the more consistent and prolonged use of long-range foot patrols and helicopter patrols, have shown positive preventive results. UNMIS engaged in a contingency planning exercise which identified concrete, localized protection strategies to provide safe spaces for civilians in case of an eruption of violence.</li> <li>&gt; In accordance with robust mandates, preventive tactical redeployments can interposition peacekeepers between armed groups in times of rising tension. This is relevant when the <i>modus operandi</i> of such groups includes SGBV.</li> </ul>

## 2.5 CORDON-AND-SEARCH OPERATIONS

<p>A. CORDON-AND-SEARCH OPERATIONS TO DISARM MILITIAS</p>	<ul style="list-style-type: none"> <li>&gt; In Kosovo, NGOs reported that women who had experienced sexual violence during the war manifested symptoms of re-traumatisation after house-searching for arms by peacekeepers. The presence of women among the force was found to reduce intimidation.</li> <li>&gt; Cordon-and-search/knock operations have limited the capacity and movement of armed groups in places like DRC and Afghanistan, but may also trigger reprisals against civilians who are seen to be supporting one side of a conflict. As reprisals have included sexual violence, this risk has begun to be included in contingency plans.</li> <li>&gt; There is emerging evidence (including from UNMIL’s all-female FPU) that when women conduct cordon-and-search operations it is less threatening to women civilians and may help to build constructive community relationships, resulting in increased operational intelligence/situational awareness, including knowledge about movements in the community of arms, contraband or weapons caches.</li> </ul>
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## 2.6 COMMUNITY LIAISON

### A. TRUST AND CONFIDENCE-BUILDING MEASURES/LIAISON DUTIES

- > 'Building communities around safety' initiatives (led by UNPOL officers in Darfur) include: creating 'Women's Desks' in camps; helping to establish cells in camps to respond to SGBV and collect data; and cultivating strong relations with civil society to bolster trust and hence the capacity to protect, including through the mission's gender unit or equivalent.
- > Liaison with potential SGBV perpetrators (demobilized combatants, urban gangs, unemployed youth, etc) has included "Agro Farm Projects" to keep young men engaged in productive activities, away from crime and less susceptible to recruitment by militias/nascent criminal networks that tend to prey on vulnerable members of the community (as supported by an UNMIL battalion in 2008).
- > UNMIL has engaged in sporting activities with young men, which, in the words of one peacekeeper interviewed, "*helps to take all the steam out of them*".
- > UNMIL military has begun to work with Liberian communities in rural areas to impart farming skills to the local population, in a setting where high male unemployment is a factor that exacerbates SGBV. Such vocational training initiatives (also including carpentry, masonry, etc) impart life-long skills and boost self-sufficiency. This can help restore self-esteem and expedite a return to normalcy.
- > An UNMIL battalion in Bong County, Liberia, initiated a "Free Fridays" medical clinic for the community. Many women/girls who have suffered sexual and other abuse seek assistance. Though few will openly mention rape to foreigners, they nonetheless benefit from the medical outreach programme.
- > Alarming rates of rape and domestic violence are reported within displaced communities—often the product of frustration at being hemmed in by insecurity, without freedom of movement, employment opportunities or recreational outlets. MINURCAT has helped to establish cells within camps for responding to SGBV and for collecting data to help the UN better target its activities.
- > Providing economic alternatives for ex-combatants is important in contexts where fighters are considered an elite. Without economic standing, there is a high-propensity to again take up arms to secure a living. Such conduct (looting/pillage) often goes hand-in-hand with rape.
- > The EU's *Operation Artemis* in Ituri, DRC, in 2003 was a response to the withdrawal of foreign armed forces and to militias and ex-militias, reportedly frustrated at being "*members of the public like everyone else*", laying waste to towns, looting, killing and raping. The EU Rapid Protection Force swiftly stabilized Bunia by launching the "Bunia weapons-free operation" to make it a town with 'no visible arms'.

	<ul style="list-style-type: none"> <li>&gt; The EU military operation in DRC (Operation EUFOR RD Congo) collaborated with local women’s organizations to improve its response to sexual violence. Local groups provided information on who to contact whenever EUFOR came across cases of sexual violence in order to arrange for psychosocial, medical and legal support.</li> <li>&gt; Mission-specific pre-deployment/refresher training on cultural awareness includes gender roles and relations in the host society, so peacekeepers are sensitive to local gender dynamics. For example, lessons have been learnt from Somalia, where male soldiers caused antagonism when they had to frisk women for weapons upon entering civilian camps.</li> <li>&gt; Women police officers accompany patrols where possible to make them less intimidating for local women. The confidence-building effect is multiplied where they speak the local language and can explain the purpose of the patrols to women in the host community.</li> <li>&gt; In Afghanistan, NATO Female Engagement Teams have built relations with women, an often overlooked sector of the population, and delivered humanitarian assistance. It has proven easier for female troops to access the population, as both Afghan men and women generally feel more at ease interacting with them.</li> </ul>
<p>B. TRAINING/ KNOWLEDGE-BUILDING</p>	<ul style="list-style-type: none"> <li>&gt; Uniformed peacekeepers have worked with humanitarian agencies to establish grassroots referral networks for sexual violence victims to facilitate access to medical/psychosocial support.</li> <li>&gt; Peacekeepers have helped to train communities on how to respond in cases of emergency, including attacks on women/girls.</li> </ul>
<p>C. SUPPORTING WOMEN’S ROLE IN COMMUNITY SAFETY</p>	<ul style="list-style-type: none"> <li>&gt; Female UNPOL Officers have hosted “Women’s Forums” in camps—gatherings at which they exchanged views on how to improve community safety with IDP women. Where tribal leadership has been reluctant to allow officers to meet exclusively with women, officers entered into a sustained dialogue with them to obtain consent. In 2006, it was reported that the ‘Women’s Forum’ in Otash camp, Darfur, regularly attracted up to 200 women.</li> <li>&gt; UNMIL’s all-female FPU has proactively promoted women’s security, including by initiating self-defense (‘unarmed combat’) training for women/girls in schools and community centres. Their example has encouraged more women to join the Liberian National Police (LNP), contributing to a three-fold increase in the number of applications from women. This has a powerful effect on communities not accustomed to seeing women in uniform or performing official, public functions. They have also been credited by the local police with encouraging increased reporting of sexual abuse.</li> </ul>

## 2.7 SECURING THE ENVIRONMENT FOR DELIVERY OF HUMANITARIAN AID

<p>A. CREATING A “SECURITY BUBBLE”; PROVIDING LOGISTICAL SUPPORT; ASSET-SHARING; ESCORTING CONVOYS (AS REQUESTED)</p>	<ul style="list-style-type: none"> <li>&gt; Peacekeepers have facilitated the free flow of humanitarian assistance/medical supplies by lending assets and engineering capacities to help improve humanitarian access to remote populations, and by helping to establish the necessary security conditions.</li> <li>&gt; Peacekeepers have helped humanitarian actors to reach IDPs by providing escorts through dangerous areas. Military escort activities have also been extended to humanitarian agencies providing services to rape victims. (Where the use of escorts is considered an inappropriate/unsustainable way of securing humanitarian access by NGOs, it may be preferable to instead open regular ‘windows of access’ along specific routes at specific times, as needed.)</li> <li>&gt; A security presence has been provided at distribution points where women, often with children, line up for supplies.</li> <li>&gt; ‘Blue corridors’ were established in Bosnia to protect aid convoys. This could also be used for convoys transporting rape kits/PEP (Post Exposure Prophylaxis) kits (where available) that must reach survivors within 72 hours of a rape, including through HIV/AIDS Advisors.</li> <li>&gt; Military escorts have accompanied mobile health clinics to reach women who have been attacked in remote, insecure areas.</li> <li>&gt; Some organizations have relied on mission flights to reach civilians in countries with a poor record of airplane safety.</li> <li>&gt; Aid shortfalls affect women in specific ways, being traditionally the caretakers of families and communities. Efforts by peacekeepers to secure airports to ensure the arrival of aid flights and to provide logistical support for unfettered aid distribution can amount to an indirect protection strategy, reducing the risk of women/girls being forced into so-called ‘survival sex’.</li> <li>&gt; Efforts to ensure that relief reaches populations in situ can help prevent and offset repeated cycles of displacement, which heightens the risk of sexual violence.</li> <li>&gt; The military has provided additional security to facilitate the safe transport of humanitarian assistance by women from delivery points to their homes.</li> </ul>
<p>B. REHABILITATION/ PROTECTION OF CRITICAL CIVILIAN INFRASTRUCTURE</p>	<ul style="list-style-type: none"> <li>&gt; UN military engineers repaired generators after an electricity failure led to increased rape and criminal activity at night in Haiti.</li> <li>&gt; Military components contributed to repairing the town soccer field in Haiti to provide young men with a recreational outlet.</li> </ul>



	<ul style="list-style-type: none"> <li>&gt; Dilapidated or non-existent roads are obstacles to humanitarian access. Road building by peacekeepers can help to protect women. According to UNHCR, when there was no road between Goma and Kitchanga in North Kivu, DRC, women traveling from one village to another passed through a forest filled with roaming militias. Once the road was built, they had a safer route.</li> <li>&gt; NATO Provincial Reconstruction Teams (PRTs), comprised of civilian and military personnel, have been useful in providing area security and supporting reconstruction and development activities in Afghanistan. They have rebuilt schools, repaired critical infrastructure and met with women to give them an opportunity to express their concerns. PRTs include Gender Advisers as a pragmatic approach to operationalizing gender.</li> </ul>
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## 2.8 GENDER-SENSITIVE CAMP DESIGN AND MANAGEMENT

<p>A. SECURITY PRESENCE; LIGHTING, FENCING, SANITATION</p>	<ul style="list-style-type: none"> <li>&gt; Uniformed peacekeepers have guarded aid-distribution points, hospitals and other static positions in camps.</li> <li>&gt; Male and female latrines and showers situated side-by-side virtually invites sexual violence. Due diligence and coordination with humanitarians can reduce the likelihood of assault. Where the military is engaged in the establishment of shelters/camps for displaced populations, the specific security risks facing women/ girls need to inform the lay-out of facilities.</li> <li>&gt; Support has been provided to improve the conditions of temporary shelter and camps for IDPs and refugees.</li> <li>&gt; In Kenya, live thorn bushes were planted around camp perimeters to deter night attackers and sexual predators. This served a defensive purpose without militarizing camp appearance through the use of defensive stores like barbed wire and corrugated iron.</li> <li>&gt; Joint UN/national police walking patrols in and around camps has helped improve security in settings such as Haiti.</li> <li>&gt; MINURCAT military have facilitated access of humanitarians and police to populations most in need in eastern Chad. In one case, UNHCR found alcohol to confiscate and destroy 200 litres of locally-produced alcohol, working through abuse to be a major cause of SGBV in a camp. MINURCAT supported an operation the Chadian community police force, the <i>Détachement Intégré de Sécurité</i> (DIS).</li> </ul>
<p>B. DISTRESS CALL SYSTEMS</p>	<ul style="list-style-type: none"> <li>&gt; Where the reality in the field permits, a distress call system ('911 Helpline Concept') can be established to activate a Quick Reaction Force to dispatch to the scene, as attempted in eastern DRC where phone numbers were given to camp leaders/IDP representatives (as part of 'Operation Night Flash'). Civilians under threat of physical violence, including sexual violence, can access this number and call for help. Efforts are underway to add evacuation of victims in critical condition to this concept and transfer responsibility to government authorities.</li> </ul>

	<ul style="list-style-type: none"> <li>&gt; Distress call systems have also helped to ensure that women in camps are insulated from civilian-on-civilian attacks.</li> <li>&gt; Without compromising the civilian character of camps, military have contributed to the safety of populations through coordination with police and humanitarian counterparts, by patrolling camp perimeters and intervening in emergency situations.</li> </ul>
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**2.9 PUBLIC INFORMATION: MONITORING, REPORTING, BEHAVIORAL CHANGE COMMUNICATION**

<p>A. PROVIDING SECURITY AT AWARENESS-RAISING EVENTS; COMMUNITY INTERFACE</p>	<ul style="list-style-type: none"> <li>&gt; Security/crowd control has been provided at cultural events such as open-air theatre productions depicting the social effects of rape, and public concerts on the theme of Stop Rape Now, as in Liberia.</li> <li>&gt; Peacekeepers have collaborated with prominent national figures on anti-rape campaigns and provided logistical and security support for high-profile missions that cast a spotlight on issues such as sexual violence.</li> <li>&gt; Mission-run radio programmes have been used to amplify anti-rape messages, e.g. women’s programming on Radio Okapi in DRC, which also follows sexual violence trials on air for a deterrent effect.</li> <li>&gt; Direct cell phone communication between MONUC area commanders and community leaders/IDP representatives has been initiated so patrols better correspond to the times and places civilians feel most at risk.</li> <li>&gt; A gender mix on patrolling and verification teams has helped improve operational situational awareness, especially in relation to sexual violence, which victims are more comfortable discussing with female peacekeepers.</li> <li>&gt; Contingency planning needs to ensure that the security of women who provide information to the mission is not compromised.</li> <li>&gt; Customary communicators have been engaged to convey key messages about ending violence against women (e.g. <i>les griots</i>).</li> </ul>
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<p>B. MONITORING</p>	<ul style="list-style-type: none"> <li>&gt; A peacekeeping presence reminds parties/former parties to conflict that their actions are being watched and creates a sense of accountability.</li> <li>&gt; Peacekeepers can serve as the ‘eyes and ears’ of the international community in relation to human rights abuses in remote, otherwise inaccessible locations. They can also monitor propaganda and hate speech that may be an early-warning indicator of violence, including sexual violence, as occurred in Rwanda where radio communications provided incitement to rape Tutsi women to ‘end their pride’.</li> </ul>
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	<ul style="list-style-type: none"> <li>&gt; UNMIL military observers patrol daily the most remote areas of Liberia, observing and collecting information and passing it on to the command, including about sexual violence.</li> <li>&gt; Military peacekeepers have also helped to provide security for representatives of the media—the world’s witness to atrocity.</li> </ul>
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**2.10 REVIVING THE POLITICAL PROCESS: ELECTORAL SECURITY FOR WOMEN**

<p>A. COMBATING SEXUAL AND GENDER-BASED ELECTORAL VIOLENCE; SUPPORTING WOMEN’S SAFE PARTICIPATION</p>	<ul style="list-style-type: none"> <li>&gt; Uniformed peacekeepers often assist in the establishment of a secure and peaceful environment for the holding of free, transparent and inclusive elections. In response to the security risks women in remote areas encounter in accessing registration or polling stations during elections, military personnel have been deployed along routes that pose protection risks for women.</li> <li>&gt; Female guards present at polls encourage women to participate in the democratic process.</li> <li>&gt; Outreach has provided women in remote areas with information about elections.</li> <li>&gt; Protecting women as voters and candidates has included security awareness training to combat gender-based electoral violence and intimidation, especially in settings where women have not traditionally played an active role in political life.</li> <li>&gt; Fast-track lines for pregnant women and nursing mothers lining up to vote in Burundi were established by ONUB and overseen by uniformed peacekeepers. Facilitating specific queues ensured that pregnant women and women with babies were given priority attention at polling booths.</li> </ul>
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**2.11 RESTORING RULE OF LAW: FOSTERING GENDER JUSTICE**

<p>A. SUPPORTING TRANSITIONAL/ GENDER JUSTICE</p>	<ul style="list-style-type: none"> <li>&gt; In cooperation with UNPOL/Rule of Law section, uniformed peacekeepers have assisted in the apprehension and hand-over of sexual violence suspects (in line with mandate).</li> <li>&gt; The military may provide security for transitional justice processes, which can help provide redress for sexual violence. They may locate and safeguard key witnesses and evidence related to investigations and prosecutions, and provide security for women’s rights defenders and participants in truth and reconciliation processes.</li> <li>&gt; In Equateur Province, DRC, 119 women were raped in the village of Songo Mboyo in 2003. In response to a special investigative mission conducted by MONUC, a military tribunal found seven FARDC officers guilty of crimes against humanity. The military can play a role in identifying, securing and preserving evidence of such crimes.</li> </ul>
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B. CAPACITY-BUILDING	<ul style="list-style-type: none"> <li>&gt; Efforts have been made to build the national military justice capacity through training and the creation of Prosecution Support Cells.</li> <li>&gt; Missions have helped to put in place measures to assist governments and national institutions to protect their own citizenry and address sexual violence.</li> </ul>
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**2.12 GENDER-SENSITIVE DDR/DEMILITARIZATION AND CEASEFIRE MONITORING**

A. MONITORING IMPACT OF DDR/DDRRR ON WOMEN (PURSUANT TO EXISTING GUIDELINES)	<ul style="list-style-type: none"> <li>&gt; Efforts have been made to take into account the needs of women associated with armed groups in DDR processes and to ensure proper handling of female ex-combatants.</li> <li>&gt; DDR programmes are increasingly taking into account the need to facilitate socio-economic reintegration of female ex-combatants, often stigmatized for their “counter-cultural” behavior.</li> <li>&gt; Having female UNMOs to screen women at demobilization sites makes the process more accessible and acceptable to women. DDR teams are increasingly configured to provide adequate support to both male and female ex-combatants, including opportunities for integration into the national military or other vocational training.</li> <li>&gt; Monitoring the impact of large numbers of ex-combatants descending upon communities can help to raise the alarm about spikes in sexual violence.</li> <li>&gt; Measures to confiscate/reduce the proliferation of small arms and light weapons in communities helps to curb sexual violence.</li> <li>&gt; Monitoring and reporting on the number of women engaged in combat provides a basis for the Security Council to mandate that DPKO include women associated with fighting forces in DDR programmes. It also enables plans to be made for the required number of UNMOs to support women’s effective disarmament.</li> <li>&gt; The design and lay-out of cantonment sites can minimize the risk of sexual violence when provision is made for separate living quarters for men and women ex-combatants.</li> </ul>
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B. INSTILLING DISCIPLINE PROFESSIONALIZATION/ RESTRUCTURING	<ul style="list-style-type: none"> <li>&gt; Human rights/women’s rights elements have been integrated into training at brassage centres.</li> <li>&gt; Training/sensitization of newly-integrated battalions has included messages about sexual violence, disseminated to new members of national armed forces on the parade ground. The role of military peacekeepers in providing mentoring, advisory and training support to military forces of the host country provides an opportunity to impart and underscore international standards for the protection of women’s rights, including the role of national security forces in preventing violations of human rights.</li> </ul>
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	<ul style="list-style-type: none"> <li>&gt; Working with authorities to improve payroll and establish a reliable payment chain can reduce looting, pillage and sexual violence used to intimidate populations into surrendering supplies. Reports suggest that exactions against civilians peak when soldiers are cantoned without provisions.</li> <li>&gt; Helping to establish garrisons/barracks can reduce commingling of combatants with the civilian population. Confining fighters to military camps/quarters limits what is referred to in DRC as “<i>vagabondage militaire</i>”.</li> <li>&gt; Professionalization can include ensuring military units are identifiable through uniforms/insignia, and therefore feel accountable for their actions. (Human Rights Watch reports that a battalion of the FARDC would remove their distinctive purple epaulettes prior to attacking civilians, meaning rape survivors were unable to identify them.)</li> </ul>
C. CEASEFIRE MONITORING	<ul style="list-style-type: none"> <li>&gt; As part of supervising and enforcing ceasefires, efforts have been initiated (especially by women UNMOs) to monitor sexual violence by ex-belligerents, along with other hostile movements and acts that may violate the terms of a ceasefire agreement.</li> </ul>

## 2.13 GENDER-SENSITIVE JUSTICE AND SECURITY SECTOR REFORM

A. SUPPORT TO NATIONAL ARMED AND SECURITY FORCES	<ul style="list-style-type: none"> <li>&gt; Peacekeepers have supported the establishment of Family Support/Women and Child Protection/Gender Desks in police stations to permit the registration and investigation of cases of sexual violence in contexts such as Sierra Leone, Liberia, DRC and Kosovo.</li> <li>&gt; Dedicated recruitment days were held in Liberia and Haiti for women applying to join the national security sector.</li> <li>&gt; Women peacekeepers have mentored female cadets at police academies.</li> <li>&gt; Police have been trained to address SGBV and collect sex-disaggregated data. The first specialist police unit dealing with gender-based crimes in a peacekeeping mission was established in Timor-Leste.</li> <li>&gt; Efforts to screen/vet the armed and security forces of perpetrators of sexual violence and other abuses of human rights/IHL have been supported.</li> <li>&gt; Training/Training of Trainers (TOT) on women’s rights, International Humanitarian Law and the categorical prohibition on sexual violence, help to build a security sector that is equally accessible and responsive to women.</li> </ul>
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## 2.14 NON-COMBATANT EVACUATION OPERATIONS/SAFE PASSAGE

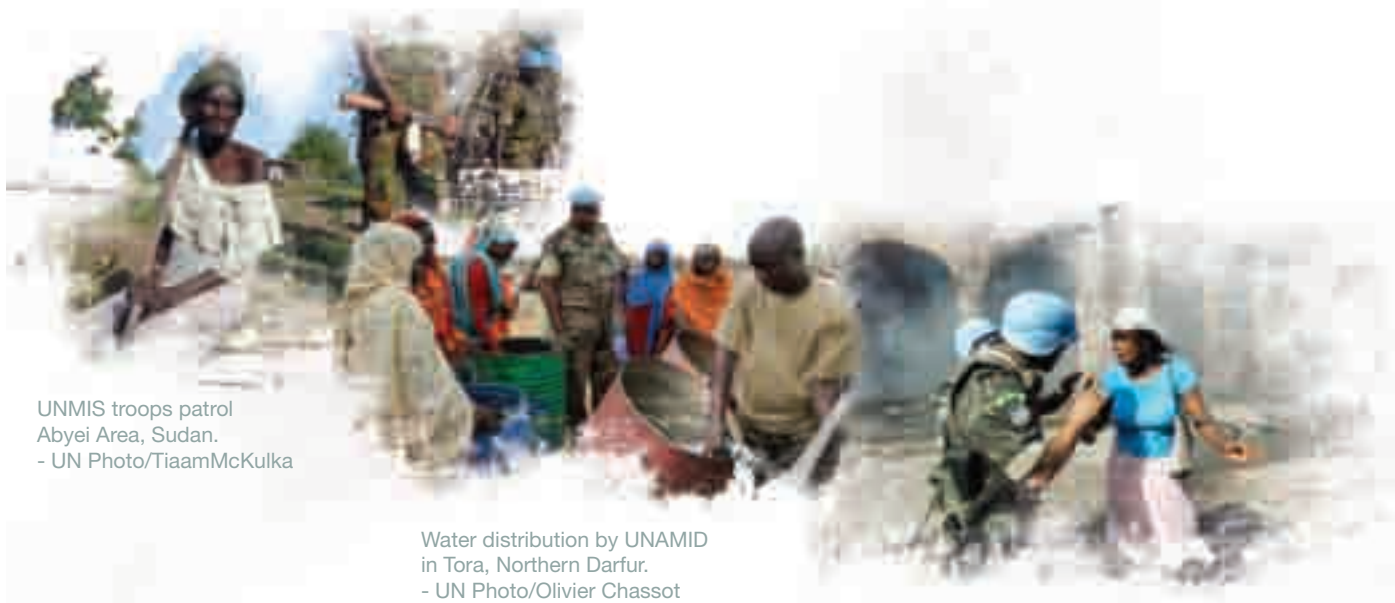
<p>A. EVACUATING RAPE VICTIMS (RESPECTING PRIVACY, CONFIDENTIALITY AND CHOICE)</p>	<ul style="list-style-type: none"> <li>&gt; Mission helicopters and vehicles have been used to transport rape victims to the nearest hospital for treatment.</li> <li>&gt; Logistical support from the military component of peacekeeping missions has, in some cases, given rape victims and pregnant women facilitated access to health services.</li> <li>&gt; Where women lack freedom of movement, mobile health clinics have been supported, for instance by a battalion of UNAMSIL in Sierra Leone, to assist women and children. This generated considerable goodwill amongst the host community.</li> <li>&gt; Tactical level military personnel who are directly approached by victims of sexual violence must ensure their physical safety, respect the privacy and confidentiality of victims, and refer them to the police or appropriate NGO (according to the wishes of the victim) for follow-up.</li> </ul>
<p>B. TRANSPORTING THREATENED WOMEN TO SAFETY</p>	<ul style="list-style-type: none"> <li>&gt; In Kenya, steps were taken to identify women at risk and transfer them out of camps to a more secure environment.</li> <li>&gt; ‘Blue routes’ (i.e., defended by UN blue helmets) have provided civilians with safe passage out of high-risk areas.</li> <li>&gt; Provision has been made in military planning to support the voluntary relocation of vulnerable groups outside areas of heightened insecurity.</li> <li>&gt; Temporary accommodation has been provided in mission stations to civilians in danger.</li> <li>&gt; In situations of displacement/return, when humanitarian agencies establish emergency rest areas, uniformed peacekeepers can coordinate with them to ensure these sites are secure for women/girls.</li> <li>&gt; If the standard operating procedure is to simply return women to camp following a sexual assault, this may have the effect of identifying them as rape victims in the eyes of their community. Such women are often branded as “sympathizers” of rebel groups and/or abandoned by husbands. Discretion in such activities is paramount.</li> </ul>

## 2.15 COUNTER HUMAN TRAFFICKING OPERATIONS

A. RAIDS TO SECURE THE RELEASE OF TRAFFICKED OR SEXUALLY ENSLAVED WOMEN AND CHILDREN	<ul style="list-style-type: none"><li>&gt; Peacekeepers have negotiated with armed groups for the release of abducted or sexually enslaved women/girls.</li><li>&gt; Investigations and raids of premises such as nightclubs, where trafficked persons are thought to be held, have occurred in conjunction with anti-trafficking/search and rescue (SAR) operations, and as part of joint security operations against organized crime syndicates. Given the potential consequences of such raids for women and children, it is critical to link with human rights actors who can monitor the situation.</li><li>&gt; Military-led interventions to free women held as sex slaves by armed/rebel groups have occurred during and in the wake of operations. MONUC soldiers have secured the release of such women and simultaneously confiscated large amounts of munitions.</li></ul>
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## 2.16 WOMEN IN DETENTION

A. IMPROVING WOMEN'S CONDITIONS OF DETENTION (ACCORDING TO GUIDELINES ON CORRECTIONS)	<ul style="list-style-type: none"><li>&gt; Working with Rule of Law partners, MONUC QIPs resources have been used to construct a separate women's prison wing in a DRC detention facility</li><li>&gt; Corrections officers from peacekeeping missions have monitored for cruel, inhuman or degrading treatment or torture, including of a sexual character, and supported penal reform following incidents of rape in detention. This has included working with host authorities to improve prison conditions and security for detainees.</li></ul>
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UNMIS troops patrol  
Abyei Area, Sudan.  
- UN Photo/TiaamMcKulka

Water distribution by UNAMID  
in Tora, Northern Darfur.  
- UN Photo/Olivier Chassot

MINUSTAH peacekeepers  
maintaining public order after a fire,  
Port-au-Prince, Haiti.  
- UN Photo/Daniel Morel

### 3: CHECKLIST: EMERGING ELEMENTS OF AN EFFECTIVE RESPONSE

**10** elements that may support an effective response by uniformed peacekeepers to conflict-related sexual violence emerge from this research. When we consider why one strategy appears more successful than another, it is generally due to the factors described in the following checklist, such as exemplary leadership, consultation, coordination with civilian counterparts, training and preparedness. The absence of any of these elements can hamper or prevent the effective implementation of mandates on women, peace and security.

The critical question remains how these elements fit together as integral parts of an overarching and comprehensive strategy that leads to the desired end state. This needs to be determined on a situation-specific basis, when mission-wide plans on the protection of civilians are being developed. It is hoped that these elements can **inform future interventions**, based on a vision of what a peacebuilding environment that protects women and girls would entail.



## **1 Leadership backed by strong command and control structures.**




Commitment and capacity at the level of the SRSG, the Force Commander, as well as the Deputy Force Commander (DFC) and sub-unit officers, can ensure that mandate interpretation covers the responsibility of peacekeepers to address sexual violence as part of the protection of civilians under imminent threat of physical violence. Resolution 1820 (2008) should be incorporated into the annual DPKO Heads of Military Components briefings, briefings to UN Police Commissioners/Senior Police Advisers, as well as briefings to the Military Advisers (MILADs) of troop and police contributing countries via the Military and Police Advisers' Community (MPAC), the UN Special Committee on Peacekeeping Operations (C-34), and other relevant channels.

## **2 Systematization of *ad hoc* responses.**



Research revealed a broad recognition that there is more the military component could do to contribute to the overall goal of protecting women civilians. Translating this task into the Concept of Operations (CONOPs) and subsequently into Mission Operational Orders that change approaches on the ground will require training, adequate resources and exemplary leadership. Sexual violence has distinct characteristics that make it resistant to conventional military tactics—even as other violence declines, rape continues or escalates—yet there are rarely specific measures in place to anticipate and avert predictable risks, such as ‘firewood rape’ or rape as part of reprisal attacks. Despite long-standing awareness of rape during firewood collection, response measures have not been standardized. The general practice has been to react when information is received and send a patrol, which may arrive too late. A standard schedule of patrols can more easily be verified and can help manage community expectations. Systematic capture and after-action assessment of good practice and the development of doctrine for staff colleges and peacekeeping training centers could help to turn *best practice* into *standard practice*. Military commanders at all levels should review efforts to address sexual violence and enhance women’s security in their end-of-tour reports.

## **3 Understanding the links between sexual violence and the restoration of peace and security, supported by clear, achievable and sufficiently robust mandates.**



Research revealed a general lack of understanding of the link between sexual violence and the restoration of peace and security, as articulated in resolution 1820 (2008). Many members of the military and police who were interviewed attributed sexual violence to “culture” or the “private” conduct of civilians. It is essential that lower-level commanders receive unambiguous directives that there are no “rape cultures”, only cultures of impunity, and that there can be no security without women’s security. Where mandates are comprehensive, feasible and clear, potential for oversight by missions is reduced. As peacekeepers interviewed consistently stated: “*the military cannot operate in an environment of ambiguity*”. Where sexual violence is among the protection of civilians issues to be addressed, it should be *explicitly*, rather than *implicitly*, mentioned in mandates. This will help avoid variation due to individual commanders interpreting their mandates differently.

## **4** Willingness and wherewithal to patrol and operate in unconventional space (in proximity to villages, compounds, camps, forests and fields) in response to an unconventional and often “invisible” threat.



If SITREPS (Situation Reports) include incidents of sexual violence, there should be a feedback loop to ensure this informs operations. In some cases, the military component could be more creatively configured for ‘soft soldiering’ (besides their core functions, they could provide medical, engineering, supply and transportation support in the mission area). This could better prepare troops to implement their protection of civilians mandate, for instance, by including more engineers within battalions, increasing the focus on assisting local populations to rebuild, including more level hospitals (with female doctors) to provide clinics for the local population, and better supply/transportation capacity to help meet civilian protection and assistance needs. As the majority of rapes occur at night, in unlit areas, units need appropriate equipment such as night-vision goggles/infrared sensors and a rapid reaction capacity. In the words of one former peacekeeper who had participated in AMIS firewood patrols in Darfur: *“If you want me to fly, first give me wings, then you can say whether I flew well”*. This means that for operations to be effective, mandates must be matched with commensurate human and materiel resources, as well as political support.

## **5** Consultation with all segments of the community, including women, for intelligence-gathering, confidence-building and to inform protection activities.



Gender analysis and community liaison not only ensures that peacekeepers are able to ‘see’ why women/girls may be at risk in certain situations, it also enhances overall situational awareness and enables commanders to make better-founded decisions, based on sex-disaggregated security assessments. This can aid efforts to coordinate the calendar of patrols with women when they go to fetch water or access fields, in order to maximize the use of military resources. When vulnerabilities are understood and mapped, it is possible to direct resources to areas of high-incidence where they can have a high-impact. Monitoring and verification tasks should draw on the perspectives of both men and women in the host country. In addition, data collected should be disaggregated by sex. For example, if abductions are rife in an area of operation, reporting on whether abductees are men, women or both can influence the nature of tactical level interventions that may be required to address the problem.

Given the impossibility of accurate book-keeping on the battlefield, a lack of comprehensive information should not preclude efforts to prevent and address sexual violence. Low-levels of reporting do not equate to low-levels of incidents. More often, gross under-reporting is due to chaotic circumstances, shame, safety concerns and the collapse of systems and services. It is therefore imperative to empower local organizations, hospitals and police to better address sexual violence. These contacts facilitate the establishment of referral networks for victims in situations where military personnel may be the first point of contact. Providing the security conditions that support a vibrant civil society is likely to have a lasting benefit for human rights. In order to prevent, not just react, to violence it is important to work with traditional chiefs, non-partisan community groups, faith-based organizations and NGOs to promote reconciliation and broad-based ownership of the peace process. This may include efforts to reinvigorate social restraining standards disrupted by conflict, and to strengthen

traditional centers of power that exert a positive influence on behavior. Religious organizations, for example, often have the moral authority to act as a conduit for information and social mobilization. Working with and through the host community ensures that efforts are sustainable and avoids creating dependence on an external presence.

Gender is not just a 'women's issue'—by enhancing situational awareness, it can enhance force protection and mission success. Mass rape, like mass murder, does not happen in one day: there needs to be greater sensitivity to early-warning indicators, including through a resilient relationship with the population that encourages them to come forward and report emerging threats. Early warning analysis needs to include consultations with women to seek out information about any increases in sexual violence as a key protection indicator. For instance, it is foreseeable that when rations are running low, soldiers may engage in predatory practices like looting and rape. Open channels of communication also enable the mission to seek regular feedback from the community about whether it is meeting its objectives.

## **6 Incentives that recognize and reward successful initiatives to combat sexual violence and acknowledge their contribution to overall mission success.**



Attention should be paid to the *quality*, not just the *quantity*, of operations like patrols and escorts. Going from point A to point B on patrol may not be an adequate response if there is no interpreter, if patrols do not allow for civilian interface, or if they do not take place in rural areas or at night when women are most at risk. Women interviewed in DRC noted that military peacekeepers generally remained in their vehicle/APC on main roads, saying “*they are not in the places where we women are not safe*”. Equally, inaction in the face of conflict-related sexual violence should carry consequences. There is a need to encourage peacekeepers to act in accordance with the *spirit* of the mandate and not hide behind its *letter*, when conscience and commonsense dictate otherwise. Accountability mechanisms should be established and included as part of the performance monitoring framework.

The occasion of the International Day of Peacekeepers, May 29, could be used to urge States to contribute more women peacekeepers (as was done in 2009), and to recognize and reward innovative, gender-sensitive protection practice.

## **7 Effective coordination between military and other protection stakeholders.**



Coordination should include all members of the UN Country Team in order to ensure that efforts to combat sexual and gender-based violence are multi-dimensional and harness the full capacity of the UN system, rather than working in silos. Indeed, the present document is driven, in part, by the need to provide military and humanitarian personnel with a common frame of reference for deeper dialogue. A good initiative in this regard is the piloting of joint observer teams consisting of both military and civilian observers (human rights, civil affairs, child protection, medical, etc) to patrol from a joint team-site, along the lines of the JPTs initiated by MONUC. CIMIC officers can also act as an effective link between the force, humanitarian agencies and human rights monitors for liaison and information management to keep commanders apprised of protection activities, including on sexual violence.

## 8 Operational scenario-based pre-deployment and in-mission/refresher training.



Enhanced training and readiness standards are needed to prepare the force to confront brutal sexual violence used as part of the arsenal of armed groups in contemporary conflict settings. Training should start with the practical then move to the conceptual, rather than the reverse. Instead of imparting normative or theoretical content about sex and gender, it should actually equip uniformed peacekeepers to meet these challenges in theatre. Rather than explaining “1325/1820”, troops should be trained on the “how-to” of implementation. Training must help peacekeepers to respond appropriately to gender-based security threats, rather than being limited to cultivating awareness on the prevention of Sexual Exploitation and Abuse (SEA) and the *UN Code of Personal Conduct for Blue Helmets*, which are necessary but not oriented to prepare troops to address patterns of widespread or systematic sexual violence in theatre. Responding to sexualized attacks should be part of Mission Rehearsal Exercises and scenario-based training. This could mitigate the current lack of clarity on the part of military peacekeepers regarding *how*, and indeed, *whether* to respond to individual protection cases. Platoon/Section Commanders are trained to react to the show or use of force, which does not necessarily equip them to respond to under-the-radar rape, even when it is an act of war and a destabilizing factor

## 9 Role-modeling and capacity-building to help leave a legacy of security for women and girls.



As activities undertaken by peacekeeping personnel will only ever be temporary, it is imperative to bolster the technical expertise of national armed and security forces to address sexual violence. This is part of building a justice and security sector that is equally accessible and responsive to women and girls. Professionalization includes not only tangible measures, such as regular and timely payment of salaries to minimize extortion/exactions against civilians, which often go hand-in-hand with sexual violence, but also changing the culture of these institutions. The example set by peacekeepers in how they view and treat women is likely to be emulated, as is the inclusion of women among their ranks. Women FPU officers, for example, should patrol visibly and be on the frontline in crowd control situations. This allows the UN to serve as a model of the principles for which it stands. Interlocutors indicated that more humanitarian tasks could be performed by the military on strategic days (like “UN Day”) and that gender-sensitive security sector reform is an important part of the overall “UN footprint”.

## 10 Gender balance in force generation and deployment.



Women in uniform broaden the range of available skills and perspectives, and can contribute to bolstering women’s credibility as security actors in the eyes of the host community, ensuring women have ‘the power to empower’. As demonstrated by the Indian all-female FPU, the presence of women peacekeepers can galvanize local women’s aspirations to participate in the security sector. Women soldiers and paramilitary have a comparative operational advantage in sensitive situations like house searches, body searches, working in women’s prisons, interviewing victims of SGBV, providing escorts for victims/witnesses, and screening of women combatants at DDR sites. Yet it is easy for commanding officers to assume that women are there to play a subsidiary role. Gender

stereotypes are not only demoralizing for female military personnel, they also limit opportunities for women to demonstrate their professional competence. More female UNMOs and UN experts could be particularly effective in monitoring/reporting threats to the security of women and girls. Supporting women's active participation and leadership in civilian, military and policing functions helps to ensure that women are equal security beneficiaries, as well as security-providers. Troop and Police Contributing Countries have a critical role to play in augmenting the number of female personnel deployed to peacekeeping operations.

Yet *gender balance* is not synonymous with *gender capacity*. Enhancing a mission's capacity to better serve the entire population requires not only the presence of female personnel, but gender training and capacity-building for all peacekeepers. In 2009, the UNMIL Office of the Gender Advisor and the Office of the Force Commander agreed on concrete areas of collaboration, which led to the appointment of a (male) Military Gender Officer under the direct supervision of the Force Commander. This is an instructive precedent for missions with low numbers of women among the force. Through a combination of improved gender balance and capacity, the once all-male domain of peacekeeping is today poised to promote the global goal of gender equality.



# AFTERWORD

## **SEXUAL VIOLENCE IN CONFLICT CAN BE PREVENTED**

One of the most insidious features of sexual violence in conflict is the widespread perception that it is inevitable, and therefore unstoppable. The inevitability notion has been debunked by the important Security Council resolutions 1820 (2008) and 1888 (2009), which recognize that there is command responsibility for widespread and systematic sexual violence in conflict, and by the evidence that wartime rape occurs in some scenarios but not in others. The notion that it is unstoppable is likewise debunked by this publication. The responses by peacekeeping personnel to conflict-related sexual violence inventoried here have been collected from contemporary peacekeeping practice. They represent initiatives and innovations by force commanders and other decision-makers to adapt peacekeeping practice to the particular and serious challenges posed by the security threats faced by women. This publication is an important and original contribution to our understanding of practical methods by which military, police and civilian peacekeepers can prevent sexual violence and protect civilians more effectively.

UNIFEM is pleased to have partnered with DPKO, under the auspices of UN Action Against Sexual Violence in Conflict, and the governments of Australia, Canada, and the United Kingdom, from the inception of this inquiry in 2007, to the Wilton Park Conference in May 2008, to the field-validation in 2009, and to the publication of the findings. Preventing sexual violence in conflict is the work of many different actors—the UN and regional organizations, national governments, peacekeepers, women's and human rights groups. It is a long-term but realizable project. Working together, we can stop it.

A handwritten signature in black ink, which appears to read 'Inés Alberdi'.

**Inés Alberdi**

Executive Director, UNIFEM

June 2010

**Contact:** comments, observations and additional examples of promising/innovative practice would be welcome, contact: [letitia.anderson@unifem.org](mailto:letitia.anderson@unifem.org) ongoing input will enable this document to be constantly updated online by UN Action [available at: [www.stoprapenow.org](http://www.stoprapenow.org)]

**Copyediting support:** Lisa Collste

**“In no other area is our collective failure to ensure effective protection for civilians more apparent...than in terms of the masses of women and girls, but also boys and men, whose lives are destroyed each year by sexual violence perpetrated in conflict.”**

United Nations Secretary-General Ban Ki-moon, 2007

Conflict-related sexual violence is a relatively new and challenging field for uniformed peacekeepers. In recent years, it has received increased attention by the Security Council, including in Resolution 1820, which calls on the UN system to ensure that peacekeeping forces are adequately equipped and trained to protect civilians from sexual violence. **Addressing Conflict-Related Sexual Violence—An Analytical Inventory of Peacekeeping Practice** captures innovative strategies by peacekeepers with the aim of moving from best intentions to best practice. From firewood patrols in Darfur, to market escorts, night patrols and early-warning systems in DRC, or rehabilitating civilian infrastructure in Haiti, this document captures direct and indirect efforts to combat sexual violence at the tactical level, as well as a checklist of emerging elements for an effective response at the strategic level. It provides—for the first time—a knowledge base to help military peacekeepers and planners operationalize their obligations to prevent sexual violence and improve women’s security, as part of broader efforts to safeguard civilians from the effects of hostilities.



# Gender-Sensitive Police Reform in Post-Conflict Societies

**1325**  
**WOMEN**  
**COUNT**  
**+10 FOR**  
**PEACE**



United Nations  
Development Fund for Women  
**UNIFEM**  
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# Gender-Sensitive Police Reform in Post-Conflict Societies

On the cover: Women officers of the Formed Police Unit of the Nigerian contingent of the United Nations Mission in Liberia (UNMIL) participate in a medal parade held in honour of their service. 14 August 2008, Gbanga, Liberia

**This policy brief benefited from the input and contributions of the following individuals:**

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# Introduction

In early 2007, the Government of India sent over 100 highly trained women police officers to the Republic of Liberia, as the first all-female United Nations (UN) peacekeeping contingent. Early reports suggest that their presence in Liberia is helping to bring Liberian women out, both to register their complaints and to join the Liberian police service. The unit is making security services more accessible to ordinary women in a country with high rates of gender-based violence, including sexual violence.<sup>1</sup> The contingent is a bold example of the UN's broad aspiration to implement gender-sensitive police reform in post-conflict States.

In the last decade, women's engagement in democratic governance, conflict resolution and economic activity, which are key components of the sustainability of peace in post-conflict contexts, has grown rapidly. Security Council resolution 1325 (2000) mandated UN Member States to recognize this fact and ensure women's participation in peace processes. However, women face formidable constraints to effective engagement in public life after conflict, not least because of the threat or the experience of gender-based violence. **Women's physical security is therefore an essential prerequisite to their effective participation in peacebuilding.** The challenge of making public and private life safe for women falls on many public institutions, among which police services are central. With proper support, reformed police services can play a central role in promoting women's peacebuilding work.

Police recovery and reform are widely understood to be among the mainstays of post-conflict recovery, as the effectiveness of all governance processes derives from effective law enforcement.<sup>2</sup> However, a wide range of concerns must be addressed in post-conflict efforts to re-es-

tablish the rule of law, and in the past, women's entitlement to security has often been an overlooked aspect of the reform process. In addition to violating their human rights, the neglect of women's security needs can compromise the inclusiveness and sustainability of peacebuilding and efforts to build democratic governance after conflict. As a contribution towards more effective, rights-based and sustainable programming in this area, this briefing note reviews key components of gender-sensitive police reform in post-conflict States.

To further the UN's commitment to empower women and work towards gender equality in times of war and of peace,<sup>3</sup> in 2006, the United Nations Development Fund for Women (UNIFEM), the United Nations Development Programme's Bureau for Crisis Prevention and Recovery (UNDP/BCPR) and the Department of Peacekeeping Operations (DPKO) commissioned a study of the UN's experience in gender-sensitive police reform that would capture best practices to contribute towards the development of minimum standards for policing policy and operations.<sup>4</sup>

This study focused specifically on lessons learned from gender-sensitive police reform in Kosovo, Liberia and the Republic of Sierra Leone. The study's findings show that gender-sensitive police reform constitutes a vital instrument in advancing the implementation of Security Council resolution 1325 (2000) and implementing women's human rights entitlements under the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). It is an excellent means by which to establish accountable, equitable, effective and rights-respecting police services that are capable of delivering for women in crisis and post-conflict situations.<sup>5</sup> This briefing note outlines key elements of gender-sensitive police reform, based on findings from the inter-agency study and lessons emerging from UNIFEM and UNDP programming in other countries.<sup>6</sup>

### Definitions

Gender-sensitive police reform is based on the premise that women's and men's socially constructed roles, behaviours, social positions, access to power and resources create gender-specific vulnerabilities or gendered insecurities, some of which are particularly salient during and after conflict, because sexual violence may have been used as a weapon of war and may continue at high levels when conflict is formally ended. Gender analysis is therefore applied to police reform processes, ensuring that gender equality principles are systematically integrated at all stages of its planning, design, implementation and evaluation. Gender-sensitive police reform also addresses, for instance, how the construction of gender identities shapes perceptions of security and police mandates.

### **Gender-sensitive police services aim to prevent and respond to the specific security needs of women and men, boys and girls.**

Gender-sensitive police reform should also contribute towards building police institutions that are non-discriminatory, reflective of the diversity of citizens and accountable to the population at

large. Police services would thus be better able to fulfill their essential mandate of upholding the rule of law.

The UN's commitment to supporting gender-sensitive police reform is based on the rationale that a gender-sensitive police service can significantly enhance the security of citizens. This is paramount for human development, human rights and peace: when police services are not responsive to the different security needs of women and men, the threat of gender-based violence is far greater, particularly in post-conflict situations, seriously undermining the rule of law and post-conflict recovery efforts. Women in countries emerging from conflict are entitled to respect for and protection of their human right to gender equality. CEDAW and Security Council resolution 1325 (2000) together provide powerful legal and normative authority worldwide for the requirement that police reform incorporates all measures necessary to guarantee women their rights. The UN accordingly recognizes the security sector as a duty bearer with responsibility to guarantee women's physical security—both a right in itself and an essential pre-condition for women's enjoyment for all other rights.<sup>7</sup>

Key elements of gender-sensitive institutional change in the reform of any institution are:

- » The institution's mandate: What is it supposed to do and for whom?
- » Operating practices, incentive systems and performance measures, as well as informal cultures: What are they supposed to do? Who does what and how? Who reviews performance?
- » The composition of staff and the division of labour and power between different social groups: Who does the work? Who makes the decisions? Who is held accountable?
- » Accountability systems: How does the institution learn, correct mistakes and respond

to changing client needs? How do internal and external actors monitor and, if needed, correct mistakes?

Post-conflict police reform designed to address problems such as corruption, excessive use of force, ethnic bias and gender discrimination must work with each of these elements of institutional change. Similarly, each of these elements comes into play in efforts to build a police service that is more responsive to women's security needs.

### **Mandate: Criminalizing abuses of women's rights**

In some contexts where systematic abuses of women's rights are not prevented or investigated by the police, there is a profound gender bias in the legal system—in effect, there is no strong mandate to defend women's rights. Abuses of women's bodies and property, particularly when perpetrated by a male relative in the domestic arena, may be seen as a private matter not requiring police attention. Breaking the silence, including through legal reform to bring national laws up to international human rights standards, is therefore an essential first step towards building a law enforcement system that protects women.

In post-conflict contexts, legislative reform has been a priority for the women's movement and for UNIFEM and UNDP. In Liberia, for instance, one of the first new laws passed following the election of President Ellen Johnson Sirleaf was strong legislation criminalizing rape.<sup>8</sup> In Sierra Leone, the passage of three laws in June 2007 designed to strengthen women's rights in relation to marriage, inheritance and gender-based violence has been seen as essential to supporting efforts to improve the responsiveness of the police to abuses of women's rights.

Formal mandates, however, may do little to alter entrenched gender biases and discriminatory attitudes. For gender-sensitive police reform measures to be effective, they must also be internal-

ized by society and the police officers themselves. This can be a particular challenge in contexts where exerting violence against women is viewed as a male social prerogative. Unchanged attitudes and mentalities result in familiar obstacles to effective policing of abuses of women's rights, notably with regard to sexual violence:

- » underreporting by victims and witnesses; impunity for perpetrators by tacit social consensus;
- » the pressure to treat violence against women as a domestic dispute that can and should be settled outside the criminal justice system;
- » the tendency to regard child abuse as an internal family matter;
- » the stigmatization of women who experience sexual violence by known persons;
- » blaming the victim;
- » isolating the victim after trauma;
- » treating abuse as a matter of shame for the victim

Worse still, the police themselves may perpetrate crimes against women, ranging from sexual harassment on the streets to sexual assault in police cells.<sup>9</sup> Even police women can be subject to gender-based discrimination and violence from male colleagues.

In traditional contexts, both the police and society at large may favor negotiation and compromise as the appropriate ways to deal with sexual violence. This can lead to situations in which men forgive men for violence committed against women. Such culturally determined behaviours are very hard to dislodge or alter through institutional reforms that do not engage with society as a whole. **Like many other public institutions, the police reproduce the stereotypes and prejudices of their society with respect to women and men.** This directly shapes the

institutional culture, affecting mandates, operations and resource allocation. For these reasons, an essential feature of legal and social change is building women's and men's awareness of women's rights and encouraging a shift in generalized gender biases through the use of media and popular culture.

Both male and female police officers require greater awareness of the nature, extent and seriousness of crimes perpetrated against women. Gender-sensitive police reform therefore needs to invest in specific training to build understanding of new mandates in law enforcement that specifically include gender-based violence. Police officers have to be trained to take these forms of violence against women and children seriously. They need to change their methods of dealing with victims and survivors who are often too afraid or too vulnerable to cope with aggressive, invasive or insensitive behaviour from officers and staff at the police station. A number of UN agencies invest in gender training for the police, notably the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF), UNDP and UNIFEM.

While the criminalization of sexual violence is a priority for police reform in post-conflict situations, it must be accompanied by wider efforts to bring institutional mandates, doctrines and strategic missions in line with gender equality principles. For instance, the police in the Republic of Nicaragua have enshrined a 'gender perspective' as one of their nine institutional principles and values. Moreover, gender issues should be systematically integrated into all components of police training to ensure that reform efforts go beyond the issue of gender-based violence.

### **Operating practices, incentives, performance measures**

Training must be reinforced by changes in operating protocols and procedures, concrete incentives to motivate and reward changed practices,

and sanction systems to prevent or punish failure to comply with a gender equality mandate. Finally, performance measures should record staff commitment to gender equality principles, as reflected by new types of policing that respond to women's and men's needs so that these innovations do not go unrecognized.

Operational protocols and procedures translate new mandates into new practices. In relation to effective responses to gender-based violence, new operating procedures have been developed in police services around the world that mandate the arrest of perpetrators upon reasonable suspicion (instead of persuading women to return to a violent partner), mandatory reporting to a higher officer, and assistance in providing medical attention to victims.<sup>10</sup>

Another visible change in operating practices involves setting up dedicated police units to address crimes against women. Women's police stations, family support units and women's desks are intended to provide an environment in which women subject to violence feel safer registering their complaints and taking steps to seek prosecution. They are often staffed exclusively by female police personnel or women and men specially trained to deal with survivors of sexual crimes and to build effective investigations. Women's police stations and dedicated gender units help to counter the underreporting of crimes against women that is ubiquitous in patriarchal societies, as well as in their police services. By allocating specific resources to deal with sexual violence, a strong message is sent to the population about the end of impunity for these crimes. At the same time, these measures contribute to rebuilding trust among the civilian population in security sector institutions.<sup>11</sup>

In April 2005 the Liberian National Police established the Women and Child Protection Unit (WACPU) with help from the United Nations Mission in Liberia (UNMIL) and UNICEF. WACPU



Mongolian Peacekeepers of the 8th Contingent trained at the Tavan Tolgoi Peace Operations Support Training Centre, shown here, are to be deployed for the protection of the Special Court for Sierra Leone. 26/Jul/2009. Tavan Tolgoi, Mongolia. UN Photo/Eskinder Debebe.

works with various governmental and non-governmental entities, supported by the Gender-Based Violence Inter-Agency Task Force, which coordinates the efforts of the UN and other donors. Similarly, in Rwanda, the gender desk of the Gender-Based Violence Office (GBV Office) at the headquarters of the Rwandan National Police was launched in May 2005 with UNIFEM and UNDP support.<sup>12</sup> The GBV Office was created to strengthen the former Child and Family Protection Unit and to respond to the legacy of sexual violence, especially rape, as an act of genocide.

Gender-sensitive police reform has, in many places, led to the creation not only of the special women's police stations mentioned above, but also to dedicated police units specifically designed to fight sexual violence, domestic violence, human trafficking and prostitution, in the form of Domestic Violence Units, for instance.

In recognizing the need for specialized approaches to gender-based violence in law enforcement, the UN General Assembly passed resolution 52/86 on 'Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women.'<sup>13</sup> This resolution provides guiding principles for the design of new operating practices and procedures to be applied in specialized units.

Another vital operational measure for main-

streaming gender equality concerns into police practices is the physical and communications infrastructure in a police station that allows staff to attend to and record the complaints, depositions and narratives of survivors of sexual violence. Toll-free telephone hotlines for rape crisis, dedicated vehicles servicing the gender units, ambulances, separate medical examination rooms, private spaces for interviews, and tie-ups with shelters that provide longer stays for women who cannot return home are some basic elements of how a gender-sensitive infrastructure can better serve survivors of sexual violence. Occasionally, higher-order facilities like medical treatment and social, legal and psychological counselling, provided by non-governmental organizations are also integrated into the reformed police station.

**Dedicated gender units within the police can support attitudinal change in the general public and encourage better reporting of gender-based crimes.** They can have a similar effect on the attitudes of male and female police officers. The creation of a gender unit in the Kosovo Police Service, for instance, helped bring human trafficking and forced prostitution—major problems in post-conflict Kosovo—out into the

open and made them priority issues for the police. For this positive effect to occur, however, it is essential that dedicated gender units do not become undesirable departments to work in, underrecognized and underrewarded. Powerful incentives must be provided to encourage police personnel to work in this demanding area, including promotions, visibility, public approval and psychosocial support. Personal commitment to gender equality should be rewarded and considered an indispensable complement to wider institutional commitment.

In Liberia, WACPU has acquired something of the prestige of an elite task force within the larger body of the police, in part because donor support has ensured that these police units are better equipped than some of their counterparts. Police officers thus want to be associated with gender-related work; it does not carry the common stigma of being a neglected or low-priority backwater.

Sanction systems to prevent and punish non-compliance with new mandates, policies and operating procedures are a central element in strengthening the impact and sustainability of all other elements of gender-sensitive police reform. Internal correction systems as well as external oversight mechanisms (see below) need to integrate new benchmarks, codes of conduct and

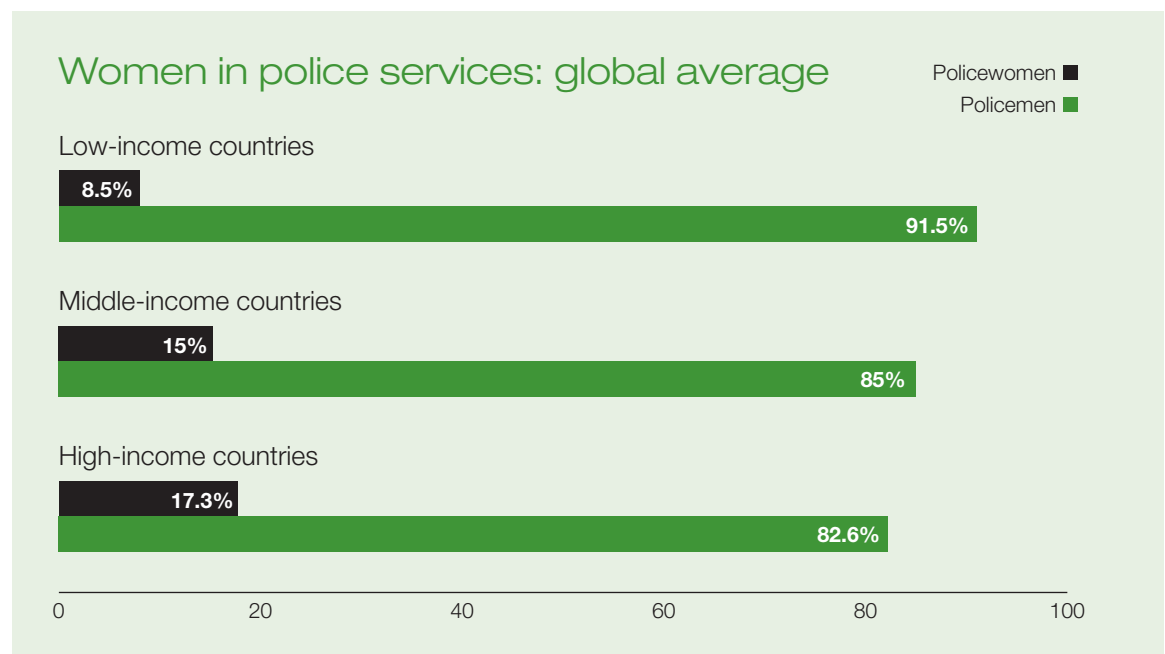
standards of operations.

Finally, gender sensitivity in operating practices should also be reflected in recruitment: commitment to gender equality principles as an institutional value should form an integral part of job requirements.

### Staff composition: Divisions of labour and power<sup>14</sup>

Police work in all societies is seen as a ‘man’s job.’ This is evident from the fact that in most countries of the world, women are poorly represented among police personnel, as the figure below illustrates. Australia, with 29.9 per cent of women in its police service, and South Africa, with 29 per cent, are among the world leaders in this respect, but the exceedingly low numbers of women elsewhere testify to substantial barriers to women’s access to police work and to problems with retention of female staff once employed.

Increasing women’s representation in police services is seen as an important element of gender-sensitive police reform for a number of reasons: It is expected to support more effective community relations, since a police service whose composition more adequately reflects the population it serves may result in a greater perception of legitimacy. It can potentially moderate extremes in the





use of force. Above all, it can result in a police service that responds with greater alacrity and commitment to preventing abuses of women's rights. More women in the police does not automatically guarantee a more gender-sensitive police service, however, because incentive systems and training may still reinforce operating practices that discriminate against women, particularly if women in the police are present in just token numbers.<sup>16</sup>

For this reason, efforts to recruit women must 'aim high' in the sense of seeking to attract large numbers of women to improve gender parity. Recruitment drives targeting women must avoid gendered divisions of labour and power that relegate women to the lower ranks and the least-valued tasks.

In post-conflict Sierra Leone, the police set a quota of 30 per cent for female officers, and it is halfway to achieving this goal. The Kosovo Police Service currently succeeds in recruiting 18 per cent women, above the Balkan average of 14 per cent. UNMIL developed a gender policy for the Liberian National Police that includes efforts not just to recruit and train more female officers, but also to ensure that they are not isolated in the lower ranks. Women are placed in leadership roles in the police hierarchy, and the newly created Association of Women Police Officers enables them to build a culture of support among themselves. Furthermore, the Kosovo Police Service not only has women officers in all its units, but several of them occupy senior positions—a tactic that has a trickle-down effect and keeps women's morale high.

**Effective gender-sensitive police reform ensures that women are promoted to the higher echelons in order to subsequently serve as role models for other women wishing to enter and rise through the ranks.** Likewise, these reforms should focus on promoting women's equal representation in operational posts, actively addressing women's frequent marginalization to non-operational and administrative posts.

Post-conflict contexts can offer special opportunities for attracting larger numbers of women recruits to the police because of the way conflict may have changed traditional gender roles, with women taking on new roles as community leaders and even combatants. At the same time, a frequent obstacle to gender parity in police services in post-conflict contexts is that women may lack qualifications as a result of years of neglected schooling, which can either prevent them from entering the service in the first place or exclude them from promotions. In Liberia, the Liberian National Police addresses this problem by providing free education at the high-school level to young girls who are willing to undergo specialized police training once they are awarded their high-school diplomas.

**Making the workplace a safe and supportive environment for women is an essential part of attracting women to and retaining them in the police.** First and foremost, female officers must be protected from sexual harassment by colleagues. Zero tolerance policies with respect to sexual harassment and abuse are essential elements of gender-sensitive police reform and must be backed by strong enforcement actions, including complaints mechanisms, to demonstrate high-level commitment to gender equality. In addition, family- and child-support policies—including maternity and paternity leave, maternity uniforms, and time off on working days for female officers to nurse infants—have been introduced in some contexts to retain female recruits. These policies have been deemed effective in retaining women in the Kosovo Police Service, for instance. Gender-sensitive police reform recognizes that women have special workplace needs related to their physical safety and their child- and family-care responsibilities. Women's unequal access to education in some instances—owing to entrenched societal gender biases—might require additional investment in training to ensure that women are able to obtain

education and experience on equal footing with their male colleagues and that policewomen can meet prerequisites for promotion. In addition, both women and men experience high levels of stress associated with working with survivors of sexual violence; this must be addressed through psychosocial support services.

Thus just as new physical infrastructure is often required for effective policing of crimes against women, new physical infrastructure may be needed to support the operational effectiveness of female staff.

### **Accountability systems: Responding and correcting**

Gender-sensitive police reform requires that women become engaged in holding the police to account. Ensuring the accountability of security services in any country presents important challenges. Effective civilian and democratic oversight of security services, for instance, depends upon the level of transparency and democratic participation in any country. Beyond encouraging women in national politics to participate in parliamentary defence and internal security committees, there are other means of enhancing women's engagement in oversight mechanisms.

Police review boards, national human rights commissions, community-police liaison committees and international organizations can improve the relationships between women and the police, opening up channels for making complaints or supporting the police to better respond to women's needs. Such complaint mechanisms should also be expanded to include complaints by internal actors and address wider issues of discrimination based on sex, ethnicity and HIV status, among others.

**Another key to effective accountability is public consultation that enables dialogue between the police and individual women, as well as the wider public,** including members

of the women's movement, human rights organizations, marginalized ethnic groups and advocacy groups that focus on HIV and AIDS. Such consultations could form part of policy design, implementation and monitoring.

The Kosovo Police Service works closely with a network of 85 organizations in the Kosovo Women's Network, as well as with UNIFEM, to ensure that the police are regularly apprised of women's needs and concerns. The GBV Office of the Rwanda National Police is supported by UNIFEM and UNDP to likewise engage with local women's organizations so that it is better able to design and deliver its response to gender-based violence.

Finally, new operating systems should be backed by gender-sensitive information systems that allow for evidence-based performance reviews and evaluations. These would also constitute a tool for gender-sensitive planning and better gender analysis in policy design, implementation, monitoring and evaluation.

### **Conclusion**

In post-conflict contexts, there is a particularly strong need for gender-sensitive police reform. Such environments also frequently present opportune conditions for pursuing institutional change in law enforcement institutions and practices. This briefing note has drawn out four dimensions of institutional change that are evident in current gender-sensitive police reform efforts in some post-conflict countries:

- » Changing mandates to direct the police to respond to crimes against women;
- » Putting in place new operating practices, incentive systems and performance measures to motivate and reward new forms of policing that respond to women's needs;
- » Recruiting women and implementing measures to retain and promote them; and
- » Engaging women in accountability systems.

It is important to note that gender-sensitive police reform is still relatively new. While some regions, such as Latin America, are quite advanced in terms of setting up infrastructure to address crimes against women, others are still coping with deeply gender-biased legal frameworks. UNIFEM and UNDP will continue to support national efforts to make police services more inclusive and responsive, broader UN efforts to mainstream gender equality concerns and advance women's human rights, and other system-wide efforts to build coherence in post-conflict security sector reform. Looking forward, effective and coherent gender-sensitive police reform will

require the setting of performance standards for addressing women's needs, effective monitoring systems to track compliance, and quantitative and qualitative evaluation to assess impact. Women are an indispensable part of the process of peacebuilding and social stabilization. After conflict, re-establishing a viable police service as quickly as possible, and ensuring that it is gender responsive in both recruitment and policing, is essential to allow women to recover from the effects of extreme violence and to move forward with the business of rebuilding their lives and those of their families.

#### Endnotes:

- 1 'India's toughest women gear up for UN deployment to violence-torn Liberia,' International Herald Tribune, Friday 8 September 2006, [www.ihf.com](http://www.ihf.com). See also Muneeza Naqvi, 'All Female Peacekeeper Squad to Deploy,' Washington Post, 19 January 2007, [www.washingtonpost.com](http://www.washingtonpost.com).
- 2 Police reform is a component of security sector reform (SSR), which, writ large, is essential to establishing the rule of law, building accountable institutions and promoting effective and democratic governance. The UN is in the process of reviewing its approach to SSR; a report on SSR by the Secretary-General, expected by late 2007, will constitute a first step towards this aim.
- 3 UNDP's Eight Point Agenda ([www.undp.org/cpr/we\\_do/8\\_pa.shtml](http://www.undp.org/cpr/we_do/8_pa.shtml)) and UNIFEM strategic goals.
- 4 William G. O'Neill, Report on Gender and Police Reform in Post-Conflicts, UNDP/BCPR, UNIFEM, DPKO/UN Police/Best Practices, January 2007. Detailed field notes on gender-sensitive police reform in all three sites—Liberia, Sierra Leone and Kosovo—are available as unpublished mimeos upon request from UNIFEM's New York office. The field notes cover 2006 to 2007.
- 5 For example, the UNDP–UNIFEM joint programme with the police in the Republic of Rwanda: 'Enhancing Protection from Gender-Based Violence'
- 6 Note: The relationship between the police and the prison population is a separate subject that requires in-depth treatment. Police reform for prisoners, even female prisoners, is not addressed in this brief.
- 7 For more information regarding the application of CEDAW and Security Council resolution 1325 to post-conflict recovery and reconstruction efforts, see UNIFEM, 'CEDAW and Security Council Resolution 1325: A Quick Guide,' New York: UNIFEM, 2006.
- 8 The December 2005 law criminalizes gang rape—making it a non-bailable offence—marital rape and rape against minors.
- 9 A report based on participatory research conducted from 1999 to 2000 in 23 countries and prepared for the World Bank's 'World Development Report 2001' found that many poor people in developing countries perceived the police to be the most corrupt and most predatory public institution, particularly with regard to poor women (Deepa Narayan, Robert Chambers, Meera Kaul Shah, and Patti Petesch, 'Voices of the Poor: Crying Out for Change,' New York: Oxford University Press, 2000).
- 10 See the sample protocol for addressing gender-based violence available in: Economic Community for Latin America and the Caribbean (ECLAC), 'Report of the ECLAC-CDCC/CIDA Gender Equality Programme Regional Conference on Gender-Based Violence and the Administration of Justice,' Port of Spain, Trinidad and Tobago, 3–5 February 2003. Available online: [www.eclac.org/cgi-bin/getProd.asp?xml=/publicaciones/xml/3/12533/P12533.xml&xsl=/portofspain/tpl-i/p9f.xsl&base=/portofspain/tpl/top-bottom.xslhttp://www.eclac.cl/publicaciones/xml/3/12533/lcarg744.pdf](http://www.eclac.org/cgi-bin/getProd.asp?xml=/publicaciones/xml/3/12533/P12533.xml&xsl=/portofspain/tpl-i/p9f.xsl&base=/portofspain/tpl/top-bottom.xslhttp://www.eclac.cl/publicaciones/xml/3/12533/lcarg744.pdf).
- 11 More monitoring and evaluation will be required to produce evidence of the impact of women's police stations, and to continue learning how to improve them. UNDP is supporting national partners in such efforts, for instance the national police in Nicaragua.
- 12 Letitia Anderson, 'GBV Offices: A sign of progress in UNIFEM partnership with Rwandan police,' New York: UNIFEM, 18 April 2007, online at: [http://www.unifem.org/gender\\_issues/voices\\_from\\_the\\_field/story.php?StoryID=588](http://www.unifem.org/gender_issues/voices_from_the_field/story.php?StoryID=588).
- 13 Data references available from UNIFEM upon request.
- 14 Sandra Grey, Manon Tremblay, Drude Dahlerup, Sarah Childs and Mona Lee Krook, 'Do Women Represent Women? Rethinking the "Critical Mass" Debate,' *Politics and Gender* 2, No. 4, 2006: 491–530.



# Gender-Sensitive Police Reform in Rwanda and Timor



**1325** WOMEN  
COUNT  
**+10** FOR  
**1325** PEACE

United Nations  
Development Fund for Women  
**UNIFEM**  
part of UN Women



# Case Studies of Gender-Sensitive Police Reform in Rwanda and Timor-Leste

On the cover: Graduates of the thirty-third class of police officers of the Liberian National Police, including 104 female officers during a swearing-in ceremony.  
17 January 2009, Monrovia, Liberia

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# Executive summary

## Gender-sensitive police reform in context

The importance of implementing a gender-sensitive approach in post-conflict resolution and peacebuilding is now widely recognized. Widespread threats to women's security hamper their participation in these processes; violence against women during or after armed conflicts has been reported in every war zone. These concerns are recognized at the highest levels by the groundbreaking Security Council resolutions 1325 (2000) and 1820 (2008), which call for women's participation in peacebuilding and emphasize the importance of prevention, protection and ending impunity for sexual and gender-based violence (SGBV).

Within this framework, security sector reform (SSR) is a crucial process in the facilitation of peace, security, the rule of law and good governance. Within SSR, a gender-sensitive approach to police reform consists of engaging women agents in peacebuilding and security, as well as addressing gender-specific security concerns such as preventing and prosecuting SGBV. In applying a gender analysis to reform processes, gender-sensitive police reform aims to create a police service that effectively responds to security needs and builds police institutions that are non-discriminatory, encouraging of women's participation at all levels, and accountable to all of their citizens. The key elements of gender-sensitive police reform can be analyzed through a tripartite framework:

- » Response to women's security concerns;
- » Creation of non-discriminatory institutions that encourage women's participation; and
- » Enhanced accountability mechanisms for security institutions and affiliated leadership.

## UNIFEM's approach to supporting gender-sensitive police reform

The United Nations Development Fund for Women (UNIFEM) is working to support women's engagement in peacebuilding and preventing sexual violence through a programme launched in 2007 titled 'Supporting Women's Engagement in Peace-Building and Preventing Sexual Violence in Conflict: Community-Led Approaches.' Funded by the United Kingdom's Department for International Development (DFID). The programme has been implemented in six conflict-affected countries: the Islamic Republic of Afghanistan, the Republic of Haiti, the Republic of Liberia, the Republic of Rwanda, the Democratic Republic of Timor-Leste and the Republic of Uganda.

This report analyzes the programme's initiatives to support gender-sensitive police reform in Rwanda and Timor-Leste. The initiatives are wide-ranging and tailored to each country's context. In Rwanda, UNIFEM's response package ranges from providing support to female parliamentarians'

oversight role through legal reform to addressing women's security needs and improving their access to justice through support to the police Gender Desk. The response has also included training and development of SGBV protocols and policies, holistic support for survivors of sexual violence, and a side-step to partnering on gender-sensitive reform with other security sector institutions.

In an effort to promote gender-sensitive police reform processes in Timor-Leste, UNIFEM has taken action to promote local women's oversight through building community-police partnerships, addressing SGBV, and training police to better respond to women's security needs. Additionally, UNIFEM has provided democratic oversight through parliamentary candidates' debates on sexual violence and civilian oversight through survivor input into police policy on SGBV and created an avenue into SSR policy processes.

## Successes and challenges

Highlights of the successful results achieved to date include the following:

- » **Recognition of SGBV as a security issue, and the firm inclusion of SGBV within the police reform agenda:** Almost all police reform initiatives in the two countries in question focus on addressing SGBV, and many initiatives harness multisectoral partnerships. This includes the holistic 'One Stop Centre' for survivors (Rwanda) and multisectoral community referral networks (Timor-Leste). In Rwanda, a legal precedent has been set for the inclusion of SGBV on the security agenda: a 2003 constitutional provision instituted rights equality for all Rwandans and non-Rwandans without gender or age discrimination. Additionally, the objective of the 'justice, law and order sectors' of the Economic Development and Poverty Reduction Strategy was to strengthen the rule of law, promote good governance and engender a culture of peace. The development by the Rwanda National Police of a

policy titled, 'Standard Operating Procedures on Child, Domestic and Sexual and Gender Based Violence,' as well as a training curriculum, demonstrates the prominence that SGBV has taken in the security sector. Timor-Leste recently passed legislation on domestic violence, promoted by the President of the Republic. Additionally, the penal code has recently changed to indicate that domestic violence is a public crime (rather than a semi-public or private matter). Also indicative of the inclusion of SGBV in the security sector in Timor-Leste is the establishment of standard operating procedures to be followed by the national police in SGBV cases.

- » **Engagement of women in oversight of security sector reforms:** This has included community members and survivors working with police to prevent SGBV and feed into a national action plan on gender-based violence (GBV) (Timor-Leste), and female parliamentarians introducing a GBV law (Rwanda).
- » **Breaking the silence on SGBV:** Communication campaigns have been launched in contexts where such issues have been highly taboo. These have included public service announcements by senior security sector personnel (Timor-Leste) and police outreach in communities (Rwanda and Timor-Leste).
- » **Beginning to end impunity:** There are reports of men fearing to commit sexual violence crimes because they know that survivors are reporting crimes and police are taking action (Rwanda and Timor-Leste), and reports of a police commander being disciplined for sexual harassment of female police officers (Timor-Leste).
- » **Gaining a seat at the SSR table:** Gender issues have been raised while developing the national security sector policy (Timor-Leste). This is also demonstrated by an invitation to work on gender-sensitive reform with the military (Rwanda), and a recognition of the important work done with the police.



- » **Enhancing the security of women in communities:** Women have better access to specialized police who are trained in processing SGBV cases and assisting survivors according to standardized procedures (Rwanda and Timor-Leste).
- » **Creating a legislative mandate through the criminalization of SGBV:** Legal reform processes have substantiated the development (Timor-Leste) and passing of laws (Rwanda) on SGBV, without which women's reporting of crimes and police efforts are impotent.
- » **Improving women's access to justice:** Better investigation and preparation of SGBV case files by police has enhanced victims' opportunity to access justice in court (Rwanda and Timor-Leste). Generating valuable data on SGBV: Comprehensive SGBV baseline studies (Rwanda and Timor-Leste) have helped to address the scarcity of information on the issue.

These results have been achieved partly as a result of specific strategies employed by UNIFEM and its partners. For example, strategic partnerships with the police have led to key relationships with other security sector institutions. UNIFEM has found that using gender mainstreaming and SGBV frameworks (rather than the more politically sensitive SSR framework) has proved a successful strategy in working on gender-sensitive police reform. In addition, strategic collaboration with leaders has strengthened the top-down commitment to gender-sensitive police reform. Linking gender-sensitive police reform with gender-sensitive legislative reform has also been crucial in creating a mandate for change. UNIFEM has found that reaching and engaging with communities is an important approach within police reform processes.

The analysis of the initiatives presented here highlights a number of challenges associated with the work that has so far been done on gender-sensitive police reform. These include:

- » **Data collection and monitoring systems remain poor.**
- » In many cases, these initiatives have either been executed on a **small scale** or limited to a relatively **short time-frame, which limits impact.**
- » None of these initiatives has directly addressed the **recruitment and retention of female police officers**, despite this being a key element of gender-sensitive police reform.
- » There is **little evidence that community-based initiatives have an upward impact on policy reform, except in the aforementioned cases of legislative reform.**
- » There is a **considerable backlog of SGBV cases** within the national prosecutor's office.

### Ways forward

The success of several initiatives, paired with challenges (including limited capacity and time), suggest the need for significant replication and upscaling of selected elements of the programme. This includes the One Stop Centres and Gender Desk support operations outside Kigali. Training of police in gender issues and SGBV should be extensively maintained in both countries to compensate for personnel rotations and rates of attrition. In Timor-Leste, community-based SGBV-prevention mechanisms and discussion forums require ongoing support and replication.

The highlighted challenges suggest that support for additional aspects of gender-sensitive police reform could enhance the efficacy of the programme. The backlog in the national prosecutor's office in both countries points to a need for additional support within the justice sector with



Policewoman from the Vulnerable Person's Unit launches UNIFEM's baseline study on sexual and gender-based violence, Timor-Leste, August 2009. (Photo: Annalise Moser/UNIFEM)

regards to SGBV cases. Efforts to support the recruitment and retention of female police officers are also needed in both countries. An increased focus on data and monitoring systems, including better documentation and data systems for SGBV case management, is needed.

One key to long-term sustainability of gender-sensitive policing lies in gender-responsive budgeting (GRB), with the aim to secure Government budget allocations for gender within security sector institutions. The effectiveness of GRB initiatives can be enhanced through follow-up measures that would enable communities to track actual versus committed expenditures. Right-to-information provisions support such 'public audit' functions and also facilitate public review of police actions, decision-making, staff deployment and patterns in case management.

# 1. Introduction

## Gender-sensitive police reform in context

Lena, pictured on the cover, hears cases of sexual and gender-based violence (SGBV) daily. As a policewoman in the Vulnerable Person's Unit of the National Police of Timor-Leste, she is often the first point of contact for a victim reporting an SGBV crime. She works to improve the way such cases are investigated and filed, and she interacts with women and men to help them take control of security concerns in their communities. She faces challenges as a woman in a police service dominated by men, as well as challenges resulting from significant incidence of SGBV and a legacy of sexual violence trauma from the 1975–1999 conflict.

The importance of a gender-sensitive approach to post-conflict conflict resolution and peacebuilding has been recognized at the highest levels by the groundbreaking Security Council resolutions 1325 (2000)<sup>1</sup> and 1820 (2008).<sup>2</sup> These resolutions call for women's participation in peacebuilding and emphasize the importance of prevention and protection as well as ending impunity for violence against women.<sup>3</sup> Threats to women's security frustrate participation in these processes, as approximately one out of every three women has experienced physical, sexual or other abuse in her lifetime. This security threat is

magnified during and after conflict; violence against women in these periods has been reported in war zones worldwide.<sup>4</sup>

Within this field of work, security sector reform (SSR) is a crucial process in building peace and security and promoting rule of law and good governance. Within SSR, a gender-sensitive approach to police reform combines efforts to engage women as agents in peacebuilding and security provision and addresses their security concerns with regard to preventing and prosecuting SGBV (see Box 1).

Drawing from this definition, key elements of gender-sensitive police reform can be analyzed through a tripartite framework incorporating:

- » Response to women's security concerns;
- » Creation of non-discriminatory institutions that encourage women's participation; and
- » Enhanced accountability mechanisms for security institutions and affiliated leadership.

The fundamental role of any police service is to respond to the security needs of all citizens, which includes maintaining an understanding of gendered security concerns. It is therefore crucial for gender-sensitive police services to recognize SGBV as a critical security need, due to both the scale of the problem and the impact of SGBV on limiting women's engagement in security sector reform, peacebuilding and reconstruction. Survivors of SGBV are often reluctant to report these crimes to police, due to stigma or due to a lack of female police officers. Furthermore, there often exists a pervasive distrust of the police system, particularly when police have been involved in crimes and human rights abuses during and after conflict. This is exacerbated by police and security shortfalls and the response of private security firms which have been associated with human rights abuses and violations of women's rights and security.<sup>7</sup>

Specialized women's police stations (WPSs) or gender units are a popular means of addressing women-specific security needs. WPSs are staffed mainly by female police officers who are specially trained to provide support for survivors of SGBV and to investigate and manage SGBV cases. They often play a role in raising awareness about women's rights within the community.<sup>8</sup> The WPS model has been particularly strong in Latin America, with 400 WPSs in Brazil alone. A recent study found that scant data have been collected on the impact of these institutions in combating SGBV.<sup>9</sup> There are, however, preliminary success indicators. In India, the estab-

### Box 1. Defining gender-sensitive police reform

Police reform is a core part of security sector reform. It is commonly defined as the transformation of a policing organization into a professional and accountable police service that is responsive to the needs of local communities.<sup>5</sup>

Gender-sensitive police reform is based on the premise that women's and men's socially constructed roles, behaviours and access to power and resources create gender-specific insecurities (such as vulnerability to SGBV) which are exacerbated during and after conflict. Gender-sensitive police reform applies a gendered analysis to police reform processes, ensuring that gender equality principles are systematically integrated throughout all stages of planning, design, implementation and evaluation. It aims to create a police service that effectively responds to the security needs of all, builds non-discriminatory police institutions, encourages women's participation at all levels, and is accountable to all of its citizens.<sup>6</sup>

lishment of 188 WPSs resulted in a 23 per cent increase in the reporting of crimes against women and children, as well as a higher conviction rate, while family support units in Sierra Leone, which have similar mandates to WPSs, have also seen an increase in reporting and arrests.<sup>10</sup>

In responding to women's security concerns, police work must include forging crime prevention partnerships between communities and police; developing standard operating procedures for SGBV cases; and providing a physical and communications infrastructure (including telephone hotlines, vehicles for gender units, and private spaces for interviews and medical examinations). This can be achieved and supported through gender training for police that covers basic gender equality concepts, relevant national and international legislation and conventions, respect for the human rights of women and men, protocols on SGBV, and techniques for interviewing victims of SGBV.<sup>11</sup>

Reforms have sought to address the police services' institutional goals of non-discrimination and equal participation. Police institutions, both before and after conflict, tend to be male-dominated, with a low proportion of female personnel at lower levels. In the Republic of El Salvador, women represented less than 6 per cent of the post-conflict police service, while in Afghanistan only 40 of 1,500 Kabul Police Academy first class recruits were female.<sup>12</sup> Research has shown that female police officers are less likely to use excessive or deadly force and that they respond more effectively to incidents of violence against women, are better able to facilitate the trust and cooperation required for community policing approaches, and can better defuse and de-escalate potentially violent confrontations.<sup>13</sup>

The period after a conflict can provide a window of opportunity for changes in gender roles, which can support efforts to recruit and retain women in the police service. But even in the post-conflict period, women continue to be constrained by cultural barriers and educational limitations that can prevent them from meeting minimum qualification requirements. The UN Mission in Liberia developed a gender policy for the Liberian National Police under which free high school education is provided to girls who agree to undergo specialized police training after they have received their high school diplomas. Women are guided towards leadership roles, and the Association of Women Police Officers provides support and an organizational base for lobbying women's advancement.<sup>14</sup> Other components that may aid recruitment, retention and advancement of female police include non-discriminatory promotion criteria, family-friendly policies and codes of conduct on discrimination and harassment.<sup>15</sup>

Police reforms carried out from the perspective of human security and governance focus on individuals and communities as the ultimate beneficiaries of institutional change. These reforms stress the importance of civilian and democratic

oversight mechanisms<sup>16</sup> whereby women (and men) hold police accountable and feel an increased sense of ownership for police practices and security provisions. This includes capacity-building and support for women in national politics, as well as strengthening their participation in parliamentary defence and internal security committees. It also includes supporting women's participation on police review boards, national human rights commissions and community-police liaison committees.<sup>17</sup> In the Republic of Serbia, the Belgrade Fund for Political Excellence initiated a programme to support women in the defence and interior ministries, in parliament, and those working as political activists or with non-governmental organizations (NGOs). The programme sought to increase the visibility of women in the security sector and strengthen their engagement in its reform.<sup>18</sup>

At the local level, civilian oversight mechanisms can include local liaison boards linking police with community groups, such as community policing or gender-based violence committees. Facilitating dialogue among communities, police personnel and police policy makers may also further this goal. In some cases, community oversight innovations can have a dual purpose: fostering accountability and promoting an efficient response to the challenges of limited police budgets in large countries.

### **UNIFEM's approach to supporting women in building peace and preventing SGBV**

The aforementioned 2007 programme of the United Nations Development Fund for Women (UNIFEM), entitled 'Supporting Women's Engagement in Peacebuilding and Preventing Sexual Violence in Conflict: Community-Led Approaches,' works to cultivate women's involvement in peacebuilding and sexual violence prevention efforts.<sup>19</sup>

The present study addresses one aspect of this programme: the support for gender-sensitive police reform in Rwanda and two districts of Timor-Leste.

A case study is provided for the initiative in each country, including a background on the conflict and a summary of the relevant SGBV and women's security issues. Each case study then analyzes the achievements of the initiatives to date, examines the reasons why some strategies were successful, and looks at the challenges and limitations that implementers faced. The report concludes by categorizing the overall success factors and challenges of the programme and designating future strategies for replication, upscaling and support designation for neglected areas.

## 2. Gender-sensitive police reform case study: Rwanda

### **Background to conflict, SGBV and women's security in Rwanda**

During the 1994 genocide in Rwanda, mass rape was used as a weapon of war, affecting an estimated 250,000 women.<sup>20</sup> The long-term psychological trauma of this violence cannot be underemphasized. As one senior trauma counselor has suggested, "In Rwanda, the most critical element of security for women is internal, psychological security."<sup>21</sup>

Today, women continue to face significant levels of violence. A 2004 study conducted by the Rwandan Ministry of Gender and Family Promotion (MIGEPROFE) estimated that one in three women had been physically or verbally abused in the preceding five years, and that one in two women had experienced an act of domestic violence in the preceding 12 months.<sup>22</sup> Similarly, a UNIFEM survey found that 31 per cent of 1,056 respondents had been forced by their spouse to engage in sexual intercourse.<sup>23</sup> The survey also demonstrated that many women accept the occurrence of violence in the domestic sphere as normative. This kind of violence includes child defilement, rape and physical abuse, which are the most common types of SGBV cases reported to the police.<sup>24</sup>

The UNIFEM survey also examined respondents' experiences with the police. Eighteen per cent of SGBV survivors had reported the case to police;<sup>25</sup> of those, 71 per cent felt that they were "well received." Thirteen per cent of reported cases were brought to court, and of those, 30 per cent did not result in a conviction. This suggests that one challenge within the security sector is the backlog that limits judiciary capacity to process cases. Additionally, with services concentrated in Kigali and other major towns, women in rural and remote areas have limited access to trained and equipped police, medical and other support services.

Fortunately, a strong political will for women's participation in decision-making processes and increased attention to gender-based violence

(GBV), including sexual violence, has cultivated an enabling environment in Rwanda. This is exemplified by recently passed legislation (see below) that criminalizes rape and domestic violence.

### **Gender-sensitive police reform initiatives**

UNIFEM has instituted a broad support package in Rwanda to supplement police reform initiatives that bolster gender sensitivity. The package ranges in content and substance, and addresses legal, logistical, technical and holistic support to GBV survivors and the institutions that support their needs.

#### **Gender-based violence law**

One of Rwanda's key achievements is the passage of legislation criminalizing GBV. Female parliamentarians, with UNIFEM support, succeeded in improving governance by enhancing collaboration between civil society and Government.<sup>26</sup> The result was the passage in 2009 of the 'Law on the Prevention, Protection and Punishment of Any Gender Based Violence,' (hereafter, the GBV law) which constitutes a good example of GBV legislation. The law defines specific types of GBV, including polygamy and rape; prescribes punishments; and addresses crimes committed during and after the genocide.<sup>27</sup>

The Rwandan GBV law is also valuable as an example of a bill initiated by female parliamentarians. It is the only piece of Rwandan legislation since 2003 to be introduced by Members of Parliament, rather than by the executive branch. The policy-making process was participatory: led by the Forum of Rwandan Women Parliamentarians (FFRP), it included efforts to "gather information, solicit input, and sensitize citizens as well as other lawmakers to the problem of gender-based violence." As a result, the GBV law was the "product of a strong relationship between legislators and their constituents."<sup>28</sup> The FFRP's engagement with male colleagues is also notable: they were invited to join public consultations

and encouraged to co-sponsor the bill, which promoted a gender-conscious approach to legislative change and attention to GBV as not just a 'women's issue.'

While the GBV law signifies a major achievement for Rwanda, there remains an urgent and widespread need to sensitize community members as well as police, judges and other security sector actors about the existence and content of the law.

#### **Gender desk, Rwanda National Police**

The Gender Desk at the Rwanda National Police Headquarters in Kigali has driven an integrated package of initiatives to improve women's access to security and GBV services. Established in 2005, the Gender Desk is staffed by three police officers and three junior police officers. It is responsible for handling cases of GBV: receiving and interviewing survivors, investigating cases, arranging for the collection of medical evidence and preparing case files to be submitted for prosecution. The range of initiatives supported by UNIFEM through the Gender Desk include the following:

**Training for police:** In 2008, the police produced standard operating procedures on GBV with input from community members and other stakeholders. Police station commanders have been trained in these procedures, and GBV curricula and training manuals have been developed and distributed in the two Rwandan police training schools. Evaluation of the curriculum has not yet been possible because recruits have yet to complete their training. Both training programmes address appropriate methods for handling and investigating GBV-related cases, and some police have also received specialized training in psychosocial counselling for survivors. The training manuals have been shared with other UNIFEM Country Offices participating in the programme for adaptation and replication.

Challenges remain in the field of GBV police training. The training manual has yet to be translated into the local dialect, Kinyarwanda, and there is a high turnover rate, with specialized and trained police officers often being reassigned to unrelated posts. This could be addressed by increasing GBV training, human resources and compensation. Another challenge is that many police officers continue to be unfamiliar with the appropriate protocols for receiving and processing GBV cases. For example, one NGO worker spoke of a 13-year-old girl who had been raped, but who was accused by the police of telling lies and asked how she could accuse an adult man of “such things.”

**GBV officers:** Police officers specially trained on GBV cases have been placed in each of the 69 police stations in the country, ensuring that women have decentralized access to specialized support. UNIFEM has also provided some of the GBV officers with essential equipment, including desks, computers, motorcycles and other vehicles.

Christine Uwamahoro is an Assistant Inspector for the Gender Desk at Remera Police Station in Kigali. She sees four or five cases of GBV per week, many of which are referred to her through either GBV Committees or Community Policing Committees. Ms. Uwamahoro believes that the presence of GBV officers at the police station and in community committees have helped make women feel more secure in coming forward and reporting cases of GBV.<sup>30</sup>

Specialized facilities, communication campaigns and police capacity-building have been expected to demonstrate an increased rate of GBV reporting, GBV cases brought to court and successful prosecutions. However, the actual results are mixed. Police records of reported cases show an increase in reporting from 2006 to 2007.<sup>31</sup> There were 403 cases of rape reported in 2006 compared to 514 reported cases in 2007. Similarly, 321 cases of physical abuse were reported in

### Box 3. Rape case handled by the Rwanda National Police Gender Desk

“When a distraught mother discovered that her daughter had been repeatedly raped by her guardian, the Gender-based Violence Desk at Rwandan National Police Headquarters provided the help that was desperately needed. Officers, trained in sensitive handling of sexual violence survivors arranged for the girl’s free medical treatment, in the course of which evidence was preserved. The case was then sent to the Ministry of Justice to initiate proceedings; the accused was arrested and taken into custody. Referrals to two nongovernmental organizations secured free legal advice to the victim and her family.”<sup>29</sup>

2006 compared to 478 in 2007. These numbers decreased in 2008, however, with 388 reported cases of rape and 106 cases of physical abuse. Data from the General Prosecutor’s Office show that there has been a decrease in the number of GBV cases brought to court, but an increase in cases being adjudicated (see Table 1). This might be explained by the persistence of backlogged rape-related cases in the courts, which may discourage survivors from reporting. Another possible explanation for the decline in cases is the physical difficulty in bringing these types of crimes to trial, particularly when they have occurred far from the court itself. This obstacle is being addressed through a programme in which courts are given allowances to transport judges and registrars to rural areas in order to deliver summons and judgements.

These nationwide figures seem surprisingly low. The Rwanda Demographic and Health Survey in 2005 found that 30.7 per cent of women aged 15 to 49 had experienced physical violence in their lives, and 12 per cent had been raped,<sup>32</sup> while the aforementioned MIGEPROFE study from 2004 found that one in three women had experienced physical or verbal abuse in the preceding five years.<sup>33</sup> Due to variations in data collection and sampling

techniques, these figures are difficult to compare; it is plausible that high rates of SGBV continue to exist in Rwanda, but that they are not reported to police in numbers that reflect the true incidence of the crime: continued challenges in infrastructure, normative perceptions of GBV and general misinformation about procedures may have prevented a demonstrated improvement in the number of cases reported and processed in court.

While GBV officers have good training and skills, they still lack access to adequate physical resources and equipment. This is particularly relevant outside of Kigali, where there are significantly fewer resources and services available for survivors of GBV.

**Free telephone hotline:** This service provides survivors of GBV a direct channel of communication to the police. The hotline number connects callers to a trained Gender Desk staff member who is able to provide advice, contact information or referrals to the nearest police station, courts or NGOs.

The free hotline has proved popular and effective; usage records have risen from 285 calls in 2006 to 407 in 2008.<sup>35</sup> Physical abuse and rape are the most common types of crimes reported through the free hotline, which has been used

by survivors as well as by their neighbors, local leaders, family members and occasionally children reporting domestic abuse of their mothers. There are several challenges: the phone is not always monitored by trained Gender Desk staff, especially at night; and the line is often busy.

**Communication and awareness-raising:** The Gender Desk is also engaged in a broad-based campaign to raise awareness of GBV through outreach in churches, local authorities, women's councils, primary and secondary schools, and using a variety of media (television, radio, brochures, calendars and posters).

Rose Muhisoni, Director of the Gender Desk, believes that one of the key successes of the programme has been in “breaking the silence” on GBV. As a result, women are able to speak out and to understand and claim their rights.<sup>36</sup> After a community sensitization session, one middle-aged woman from Kigali “admitted that she had been beaten by her husband and seen other women being beaten by their husbands, but she never knew that you could report such a case as a human rights abuse.”<sup>37</sup> Nonetheless, despite protective and preventative legislation and services, there remains a strong ‘cultural’

Table 1. Cases of GBV brought to the General Prosecutor’s Office, Rwanda 2007–2008<sup>34</sup>

Cases	2007	2008
Cases pending from previous year	1,631	1,110
New cases referred by police	3,123	2,756
Cases brought before court	1,829	1,555
Cases closed due to lack of evidence	734	1,086
Cases still pending at end of year	2,191	2,747
Adjudicated cases	1,540	2,527



barrier that prevents women survivors of GBV from coming forward to the police or other service providers.

### 'One Stop Centre' for survivors of GBV

The Gender Desk of the Rwanda National Police has joined with Kigali's Kacyiru Police Hospital, the General Prosecutor's Office and other service providers to create a 'One Stop Centre' for survivors of domestic, child and gender-based violence at the Police Hospital. Launched in 2009, the Centre provides multisectoral support to survivors, including space and resources to file their case, undergo a medical examination, receive psychosocial counselling and submit their legal file to the General Prosecutor's Office. All of these services are supported by specialized personnel and are free of charge. A safe room with five beds is available for temporary emergency accommodation for survivors. Recently, another One Stop Center has begun operating in Gihundwe Hospital, located in Rusizi District in Western Province. The plan is to have at least one One Stop Center in each province. The country is divided into five provinces, including the City of Kigali.

Logistical and financial resources—as well as time—are required for survivors to gain access to existing services. As such, the One Stop or 'Isange' Centre (meaning 'feel welcome and free' in Kinyarwanda) will help survivors save time, alleviate stress and receive streamlined support services. Immaculate Ingabire, coordinator of the Rwandan Coalition on VAW, emphasized, "This will be an excellent centre, providing convenient and accessible legal, medical and counseling services, which otherwise were extremely difficult to obtain, for logistical and financial reasons."<sup>38</sup>

The director of the One Stop Centre, Dr. Grace Igiraneza, expects the major challenge will be overloading, as this is the first such centre in the country. If this happens, there may be delays, long waiting times and shortages of medication and supplies.<sup>39</sup> These facilities will only be avail-

able to those women living in or near Kigali, but there is potential for future replication elsewhere in the country.

### Rwanda Defence Force Gender Desk

Derivative of the innovations of the police service, the Rwanda Defence Force (RDF) has also established a Gender Desk supported by UNIFEM through DFID Rwanda funds. The interventions of the police and RDF reinforce one another to more effectively support security sector response to GBV cases and enhance services to survivors.

Since it became fully operational in 2008, RDF Gender Desk officers have conducted trainings on gender equality, women's human rights and BGV for close to 5,000 RDF members, including military officers, cadets at the military academy, ex-combatants and local defense forces, and to civilians. These activities have been carried out in three of Rwanda's five provinces.<sup>40</sup> The desk has also trained gender focal points at the district level and supported the creation of anti-GBV clubs. By engaging the private sector in the campaign to combat GBV, the leading mobile phone company now provides a free hotline to report GBV cases that potentially implicate the military.

Reports of GBV to the RDF have increased since the Gender Desk was established.<sup>41</sup> One of the reasons for the success of this initiative is local military deployment and 24-hour patrol; consequently, the RDF is well placed to locate and respond to GBV issues and military staff are sometimes present when and where police are not. In addition, training officers for peacekeeping missions, increasing the number of women deployed and enhancing the ability of peacekeepers to combat GBV have influenced recruitment and deployment of female Rwandan police officers to peacekeeping missions such as the African Union/United Nations Hybrid operation in Darfur.

## Community Policing

Community policing, although not yet supported by UNIFEM, aims to fight crime by fostering partnerships with the community. The United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) defines community-based policing as “a common strategy when implementing police reform as it places emphasis on closer police–community working relations, finding new ways to solve crimes and maintain order, and improving community safety.”<sup>42</sup>

In Rwanda, this strategy combines Community Policing Committees appointed at the community level with Community Policing Liaison Officers at the sectoral level. According to Director of Community Policing Emmanuel Butera, this initiative has succeeded in “making citizens participate actively in problem solving to ensure their own security needs are met.”<sup>43</sup> Community policing can also be very responsive to GBV, as committee members are able to approach local families where they know violence occurs rather than waiting for the women to come forward. Ac-

ording to one GBV Officer and former Community Policing Liaison Officer, the community dialogue processes have made women more aware of their rights, and that men are more reluctant to abuse their wives because women are more inclined to report domestic crimes to the police.<sup>44</sup>

While this initiative is an innovative approach to empowering communities to participate in ensuring their own security needs, there are a number of challenges. Because committee members are generally appointed, rather than elected, and are drawn from active communities, they may not be regarded as objective decisionmakers. Additionally, committees often aim to mediate, reconcile and resolve GBV cases within the family, rather than referring them for filing as a penal case. This challenge highlights the need for gender training, GBV case management, police referrals and other support services. Finally, very few women are members of Community Policing Committees (exact figures are not available, as sex-disaggregated data for Committee members and Community Policing Liaison Officers have not been recorded).

# 3. Gender-sensitive police reform case study: Timor-Leste

## Background on conflict, SGBV and women's security in Timor-Leste

In Timor-Leste, SGBV is a frequently reported crime, yet few cases are successfully brought to trial and of those, women rarely receive redress in court.<sup>45</sup> During the Indonesian occupation (1975–1999), acts of SGBV including systematic rape, torture and sexual slavery were used as a weapon of war. While there are few data on the current extent of SGBV in Timor-Leste, a 2003 study found that 51 per cent of women reported feeling unsafe in their spousal relationship within the previous 12 months, and 25 per cent had experienced violence from an intimate partner.<sup>46</sup>

A study commissioned by UNIFEM in the two western border districts where the aforementioned programme is being implemented—Covallima and Bobonaro—found that power inequalities, rooted in a patriarchal social structure, are a major factor in women's experience of insecurity and violence. Today, the most common manifestations of SGBV in the two districts are rape, incest, sexual harassment and 'gifting', where women or girls are presented as 'gifts' for official guests visiting the community.<sup>47</sup> Women in the border districts are also reportedly vulnerable to trafficking into town centres, including the capital Dili, as well as across national borders.

The formal justice system faces multiple constraints, including a shortage of court personnel, a lack of DNA testing facilities and logistical difficulties in accessing the courts. This results in an extreme backlog of cases; the study found that the majority of SGBV cases that have reached the formal courts are still pending, or have been cancelled or dismissed due to lack of evidence.<sup>48</sup> Among the studies that have been con-

ducted on this topic is the 2003 study conducted by the Judicial System Monitoring Programme, which found that during the two months of monitoring, 'women-related' cases represented 55 per cent of all criminal hearings scheduled for the Dili District Court. Of these, 78 per cent were sexual violence cases. In only 16 per cent of the 'women-related' cases did hearings proceed, and no decisions were delivered by the Court.<sup>49</sup> Partly as a consequence of the constraints on this process, many victims of SGBV turn to traditional justice mechanisms that rely on customary law, where local leaders (almost exclusively male) mediate conflicts through dialogue and offer resolutions through recognition of guilt. Justice is enacted by means of paying fines to the survivors' family through a variety of traditional rituals. Flaws of this system include its domination by male community leaders, and the fact that the survivor is neither consulted nor included in the decision making. In addition, emphasis is placed on family reconciliation, and fines are paid to the survivor's family rather than to the survivor herself.

Another UNIFEM-commissioned study assessed the role of the National Police of Timor-Leste (PNTL) in addressing sexual violence and found that community members in Covalima and Bobonaro believe that few PNTL employees “do a good job.”<sup>50</sup> Respondents not only critiqued PNTL personnel’s lack of understanding regarding their community roles and responsibilities, but accused police officers themselves of engaging in sexual harassment and committing sexual assault. Community members felt that most survivors of SGBV would prefer to be assisted by female rather than male police officers. The assessment revealed that community members believe the police must urgently develop capacity and skills to handle SGBV cases and assist SGBV survivors, which provides a strong community-driven mandate to work in this area.

### **Gender-sensitive police reform initiatives**

As noted above, in Timor-Leste, UNIFEM’s support for gender-sensitive police reform processes has focused on the districts of Covalima and Bobonaro. Actions have included promoting local women’s oversight and agency through mechanisms by which community members can partner with police and address SGBV, as well as training police to better respond to women’s security needs. Support has also included democratic oversight through parliamentary candidates’ SGBV debates and survivor input into police policy on SGBV, which also develops an avenue into SSR policy processes.

#### **Training in SGBV for police**

UNIFEM supported the training of PNTL officers in human rights and gender issues related to SGBV cases in order to improve the capacity of the police to respond to women’s security needs. Training workshops were conducted by the human rights NGO *Hukum, Hak Asasi, Keadilan* (HAK: Law, Basic Rights and Justice), in Bobonaro and Covalima, with participants drawn from the investigation unit, border police, community

police, traffic police, task force unit, vulnerable persons unit (VPU), administration, intelligence and police commanders. Between 20 and 30 per cent of participants were female.

The training focused on legal provisions, needs of SGBV survivors and the duties and responsibilities of service providers such as the police and court officials. Participants demonstrated an understanding of survivors’ rights, methods of SGBV investigation (including collecting information from survivors) and the types, causes and impacts of SGBV. Through case studies and role play, police officers were able to vicariously experience the roles of the survivor, witness and village chief. This process triggered feelings of empathy and understanding among police personnel, who suggested that female survivors of SGBV might feel more comfortable dealing with female police officers. Three months later, HAK found through interviews and anecdotal testimonies that participating officers had felt the training was useful and were implementing their knowledge on handling SGBV cases (no exact data are available).

In Covalima, police had received a number of SGBV complaints, all of which had been duly investigated and filed according to correct procedure. One female police officer from the Covalima VPU stated, “The training was so helpful. I have been in the VPU since 2002, and this is the most comprehensive training I have had on SGBV laws, how to handle cases, and how to provide assistance to survivors. I now send every case reported to me to the tribunal—and I am receiving a lot of reports.”<sup>52</sup>

The Gender Focal Point of the Secretary of State for Security also provided basic training in gender concepts, basic reporting procedures and the causes and impacts of SGBV. The training targeted police from the VPU, Community Police and fire brigade, and was designated as an initial awareness-raising training module.

A number of challenges are associated with train-

ing police in SGBV issues: It was not possible for police to undertake planned training on standard operating procedures and internal reporting procedures, as these were still being developed at the time of the training. Individuals sent for training are not always those who are directly responsible for responding to SGBV cases. Moreover, there is a high turnover among police personnel, which means that new staff need regular training. Finally, for most participants the training was an *introduction* to SGBV issues; there is a need for additional courses with ongoing follow-up, especially concerning specific procedures for handling SGBV cases. This need is illustrated by the fact that police in Bobonaro in particular have not been as successful in systematically handling SGBV cases appropriately (see below).

### Community discussion forum on SGBV involving the police

The women's rights NGO *Fokupers* launched a monthly SGBV discussion group with police and other community members from Covalima and Bobonaro districts, which the community continued to lead after the NGO's intervention concluded.<sup>53</sup> Initially, the discussion forum consisted of around 25 individuals from the Vulnerable Persons Unit, village councils, NGOs, the district hospital, local government, churches and wom-



Male and female police officers receive training in gender concepts and SGBV reporting procedures, Bobonaro. Photo: Haburas/UNIFEM.

en survivors of SGBV. Discussion topics included gender and women's rights and issues relating to SGBV within the community.

After *Fokupers* concluded their work, the monthly forum's discussion of SGBV cases and services led the Covalima community to establish its own referral network to support survivors. Community members meet regularly to share information and link existing services: the district police VPU, NGOs providing legal and psychosocial support, and the district hospital. Through the referral system, community members seek to establish SGBV as a crime that should be reported, rather than a private issue, in an effort to increase reporting of SGBV cases.

The referral network is supported by a community-generated communication campaign, which includes radio programmes, a monthly bulletin and an information board disseminating facts about SGBV, women's rights (as outlined in the Convention for the Elimination of all forms of Discrimination against Women), and the appropriate process for handling SGBV cases through the police, prosecutors and courts.

To date, the forum and referral network have helped to increase SGBV reporting to the police and the referral network (see Table 2 for cases reported to *Fokupers* at the national level), with survivors describing that they felt more able to come forward. This can be attributed partly to the good working relationship and coordination among local leaders, police and other partners. In Covalima, the police from the VPU developed their understanding and practices regarding the correct procedure for handling SGBV cases. This included strengthening the need to proceed with the case regardless of an individual officer's personal assessment, expanding knowledge around how to carry out investigations, and referring survivors to services such as shelter and medical or psychosocial support.<sup>54</sup>

A number of challenges remain. In contrast to the positive example in Covalima, *Fokupers* staff noted that in Bobonaro, the police were passive

in the monthly meetings and continue to handle SGBV cases inappropriately by demonstrating a preference for resolving rape and domestic violence cases within the family. NGO workers report that in some cases, police will only respond to survivors who show obvious signs of physical injury. In some communities, it is so common for police to refer SGBV cases back to community leaders for mediation that local women say “We just don’t bother going to the police anymore.”<sup>56</sup> This indicates a lack of awareness of correct procedure, legislation and regulations and indicates the continued influence of patriarchal societal beliefs in place of rule of law. Together, these findings compel the urgency for ongoing and up-scaled police training. One factor behind the discrepancy between the outcomes of the initiative in the two communities is the greater availability of services in Covalima, which houses courts and United Nations Police mentors.

A final challenge is the lack of human and financial resources available to service providers. There are reports from both districts of injured SGBV survivors being pushed in home-made carts to local authorities or hospitals due to a lack of access to transport. This presents a challenge to the sustainability of the monthly SGBV forum as service providers struggle to cover the minimal costs associated with transport and the time spent at meetings. *Fokupers* is working with the discus-

sion group to help them continue functioning and seeks to incorporate the forum into the work of the local government, where it could receive resources allocated from the municipal budget. For now, the monthly forum continues without direct external support. Information-sharing meetings occur regularly and the VPU continues to visit communities and provide information about SGBV. This demonstrates a continuation of the typical work of police and other service providers, as well as ongoing attendance by those who have the resources. For the reasons outlined above, however, this is unlikely to be sustainable in the long term without external support.

#### Legislative reform: Law against domestic violence and revision of the Penal Code

The security sector in Timor-Leste requires substantial legislative reform in order to provide a legal mandate for the reporting and prosecuting of SGBV cases. UNIFEM’s work in the communities of Covalima and Bobonaro found that women survivors of SGBV commonly questioned the use of reporting such violence, since there was no law to protect them. Women at the community level have actively expressed their desire for legislative reform of SGBV protections and services.

Revisions of the Penal Code were approved by the Parliament in May 2009 and include provisions on rape. The Law Against Domestic Violence, which

Table 2. SGBV cases reported to *Fokupers*, Timor-Leste, 2006–2009<sup>55</sup>

Type of SGBV	2006	2007	2008	Jan–Jul 2009
Domestic violence	34	62	120	68
Rape	9	9	2	6
Abandonment	18	30	31	11
Other	25	24	27	14
TOTAL	86	125	189	99

had been in preparation for several years, was approved by the Council of Ministers in August 2009 and passed in May 2010. The President promulgated the Law on 21 June 2010.

### Community SGBV prevention mechanism involving the police

UNIFEM supported the human rights NGO HAK to facilitate a workshop in Covalima in November 2008 that engaged community members in designing their own prevention mechanisms for SGBV. The initiative combined local ownership of SGBV prevention with civilian oversight and partnership with police. The 27 male and 8 female participants in Covalima were drawn from the police VPU as well as community police, local authorities, judicial actors, local NGOs, youth representatives, faith-based organizations and women survivors of SGBV.<sup>57</sup> During this process, the group developed community prevention mechanisms for SGBV which emphasized the need for collaboration, information and resource sharing, as well as joint responsibility for addressing SGBV in the community (see Box 4).

Several elements have already been implemented, including fostering cooperation among police, local authorities and community members, and the dissemination of information to the community. However, while the mechanism itself can be self-sustaining, service providers have limited resources and therefore their work will be negatively affected without external financial support.

### Engagement of key national figures in SGBV campaign

UNIFEM has successfully engaged key national figures, including senior male leaders in the security sector, in its communications campaign on 'Ending Violence Against Women.' Timor-Leste President José Ramos Horta and Prime Minister Xanana Gusmao, UN Special Representative of the Secretary-General Atul Khare, and a number of commanders of the Army and the PNTL have all participated in the campaign, which included

dissemination of posters and public service announcements. This has raised the visibility of SGBV in the media and public debate. The posters with photographs of key leaders are in high demand in the target districts of UNIFEM's SGBV and peacebuilding programme. They have also been picked up by the global UN Action Against Sexual Violence in Conflict campaign website ([www.stoprapenow.org](http://www.stoprapenow.org)).

### Presidential and legislative debates on SGBV

In 2007, a series of national public debates provided forums for future elected officials to articulate their vision for addressing SGBV through security sector reform.<sup>59</sup> UNIFEM supported three debates among presidential candidates, political party leaders and women parliamentary candidates, which were broadcasted on radio and television.



Inspector Afonso de Jesus, Deputy Commander of the PNTL in a poster to "End Violence Against Women.": Photo: Chris Parkinson/UNIFEM.

Almost all candidates raised issues related to the security sector, including legislative reform through the Law Against Domestic Violence, the

#### Box 4. Community SGBV prevention mechanism involving the police

The SGBV prevention mechanism developed by police, local authorities, civil society and community members in Covalima, Timor-Leste, comprises:

- » Raising community awareness around SGBV through media, including community radio, school curricula (teachers to students) and churches;
- » Community sensitization and information distribution by police and other authorities regarding existing laws and the criminal nature of rape and domestic violence;
- » Development of trust and strong working relationships among police, local authorities and community members to encourage citizens to report cases; and
- » Creation of a positive working environment, cultivated by local authorities, with innovative or productive activities for community members to positively engage others in non-violent activities.<sup>58</sup>

criminalization of polygamy and the reform of tribunal and judicial systems. Many argued for a stronger national women's machinery. They also spoke of the importance of raising awareness, improving men's attitudes and increasing capacity-building for women. After the debates, most participants acknowledged the National Armed Forces, the PNTL and the United Nations Police for their support during the campaign period.

Aside from upgrading the national women's machinery to the level of Secretary of State for the Promotion of Equality, the extent to which these visions have been implemented since the elections remains to be seen. UNIFEM is continuing its support by maintaining synergies with the Integrated Programme for Women in Politics and Decision Making, following up on commitments made through the women's wings of political parties, and supporting elected national women leaders and other parliamentarians. In recent village (*suco*) elections, 10 women were chosen as

village leaders (out of 48 candidates in 442 villages). This represents an increase from previous village elections, in which seven women were elected to be leaders.

#### Vulnerable Persons Unit engaging survivors in SGBV reforms

Survivors of SGBV were able to provide input on police policy through an innovative joint conference marking the global theme of International Women's Day 2009: 'Women and Men Uniting to End Violence Against Women and Girls.'<sup>60</sup> The conference, supported by UNIFEM and hosted by the National VPU and the Dili District VPU, brought together police, local authorities, NGOs, UN agencies and survivors of SGBV. At the conference, the groups developed strategies to improve the VPU service, as well as its response to gender-based violence crimes. The conference also fed into the development of the PNTL 3–5 National Action Plan on sexual and gender based violence.

During these discussions, participants raised issues like the need for increased police training and stronger implementation of laws relating to SGBV crimes. They also addressed the need to improve monitoring of domestic violence crimes, change the community's attitude towards the police, increase police confidentiality on SGBV crimes, and disseminate information at the community level regarding types of SGBV and relevant laws. For each of these concerns, the PNTL noted potential mechanisms for response. In this sense, the conference constituted an important forum for survivors as well as service providers to aid in the development of police reforms on SGBV issues.

#### Gender inputs into security sector reform roundtables

UNIFEM is participating in a series of roundtable discussions to inform a national security policy, which forms a strategic link to the broader SSR agenda in Timor-Leste. Convened by the



Secretary of State for Security, the Secretary of State for Defence, the United Nations Mission in Timor-Leste and the United Nations Development Programme (UNDP), the August 2009 SSR Roundtables provided a forum for Government and civil society to identify potential threats to national security, and pinpoint existing and potential solutions.

The draft National Security Policy distinguishes gender mainstreaming as a specific component of strengthening security. This is reflected in the first

two roundtables on ‘security and development,’ where gender was included as a specific topic for discussion. UNIFEM brought attention to the causes and impacts of SGBV as a critical security concern and pressed the importance of introducing gender-responsive budgeting processes into security sector institutions. UNIFEM has been requested to contribute to the other roundtables on security and peace, security and citizens, and security and state-building, to bring a cross-cutting gender perspective to the discussions.

## 4. Conclusion

### Successful strategies

The preliminary achievements and positive outcomes of UNIFEM’s support for gender-sensitive police reform initiatives have been outlined in Box 2, and discussed in detail in the preceding two sections. Addressed now are the successful strategies employed by these initiatives, and the ‘ways of working’ that contributed to the achievements of the programme.

» **Strategic relationships with the police can lead to key partnerships with other security sector institutions.** In Timor-Leste, UNIFEM’s work with the police strengthened the partnership with the Secretary of State for Security<sup>61</sup> and led to UNIFEM’s engagement with the drafting of the National Security Policy. In Rwanda, the successful and high profile work with the police Gender Desk led to an innovative partnership with the Rwanda Defence Force and facilitated the development of strategic partnerships with donors, Government, UN agencies and civil society. Study tours from around Africa have visited the police Gender Desk, creating international partnerships as well as South–South learning.

» **Reaching out to and engaging with communities** is an important component of police reform processes. Important elements of SSR initiatives include focusing on service delivery at the grassroots and community level and engaging communities in partner-

ships and joint work. In efforts to make police services reach women in communities (for example, by training officers on the ground or placing GBV officers in all police stations) reforms are firmly tied to acknowledging and addressing women’s security needs. Engaging community members to work with police and share responsibility for preventing and responding to SGBV empowers citizens to tackle their own security needs.

» **Strategic collaboration with leaders** strengthens top-down commitment to gender-sensitive police reform. In Timor-Leste, the prominent role of male leaders in an anti-SGBV communication campaign raised the profile of the campaign and demonstrated the commitment of community leaders to women’s security concerns. A similar result was achieved in Rwanda through high-level collaboration facilitated by the police Gender Desks, and with male and female parliamentarians in the development of the GBV law.

- » **Focusing on gender mainstreaming and SGBV frameworks** (rather than SSR) has proved to be a successful strategy to effect gender-sensitive police reform. Virtually all of the initiatives discussed used either SGBV or gender mainstreaming as their entry points, seeking to prevent SGBV, improve handling of SGBV cases and services to survivors, or integrate concepts of gender equality into police work.
- » **Linking gender-sensitive police reform with gender-sensitive legislative reform** is crucial in the mandate for change. While legislative reform falls under the broader area of security sector reform rather than police reform, it is critical to pursue the development of relevant legislation *in tandem* with other initiatives. SGBV legislation provides a mandate for police to combat SGBV, as well as a forum for women to report abuse.

## Challenges

Analysis of the initiatives presented in this paper also highlights a number of challenges:

- » **Data collection and monitoring systems remain poor.** There are few sex-disaggregated data on police personnel and data regarding reporting of SGBV. Prosecution and sentencing of SGBV cases appear to be *ad hoc*. There are even fewer data on community policing and community referral networks. As such, it is difficult to measure the success of these initiatives, and to identify problems. This points to a broader need for integrating gender into assessment, monitoring and evaluation of security sector reform processes.<sup>62</sup>
- » In many cases, these initiatives have been effectuated on a **small scale** or limited to a relatively **short time-frame**. In both Rwanda and Timor-Leste, while training for police has been crucial, it has only targeted a small proportion of the police service. Support of service provisions have been focused in Rwanda's capital and in only two vulnerable districts

in Timor-Leste; there remain urgent needs in rural areas. The short time-frame has meant that several initiatives have not had time to become firmly established, especially in the case of community-based processes.

- » None of these initiatives has directly addressed the **recruitment and retention of female police officers**, a key element of gender-sensitive police reform. While specific sex-disaggregated data on police recruitment are not available in either country, it is clear that the proportion of female police officers is low, especially at senior levels.<sup>63</sup> Moreover, there is significant dissatisfaction with the transparency of the promotion system.<sup>64</sup> In both countries, a cultural barrier impedes women from joining the police service, which is not regarded as an attractive career option for women.
- » There is **little evidence that community-based initiatives have an impact on policy reform**. This is partly a consequence of timing and pace, as activities that operate in and are 'led' by the community require time and sustained support to demonstrate their effectiveness.
- » In both countries, there is a considerable **backlog of SGBV cases** in the General Prosecutor's Office. As such, although more SGBV cases are reaching the Prosecutor's Office, many survivors are not yet receiving justice.

## Ways forward

The strategies and challenges outlined above suggest several possible ways to enhance future programming on gender-sensitive police reform.

The success of several initiatives despite the constraints of their limited scale and time-frame suggests the need for significant replication and upscaling of selected elements of the programme, including: supporting the One Stop Centres and the Gender Desk operations outside Kigali; providing ongoing support to and

replicating community-based SGBV prevention mechanisms and discussion forums in Timor-Leste; and training police in gender issues and SGBV in both countries (partly to compensate for personnel rotations and attrition).

The challenges highlighted suggest that support for additional aspects of gender-sensitive police reform could enhance the efficacy of the programme. The backlog in the national prosecutor's office in each country suggests a need for additional support within the justice sector to enable effective prosecution of SGBV cases. Efforts to support the recruitment and retention of female police officers are also needed in both countries. Increased attention to data and monitoring systems is needed, including the establishment of SGBV data management information systems and better documentation and data systems for the whole process of SGBV case management. Finally, one key to the long-term sustainability of

gender-sensitive policing lies in gender-responsive budgeting (GRB) that would secure Government budget allocations for gender within security sector institutions. The effectiveness of GRB initiatives is enhanced when follow-up measures enable communities to track actual versus committed expenditures. Right-to-information provisions support such 'public audit' functions, and also facilitate public review of police actions, decision-making, staff deployment (recruitment and promotion of female officers), and patterns in case management.

Table 3, below, summarizes these successful strategies, remaining challenges, and suggested ways forward, including replication and upscaling as well as support for new types of initiatives. A gender-sensitive approach to police reform is essential to ensure women's equal participation in the security sector, engender police institutions and respond to women's security needs.

Table 3. Strategies, challenges and ways Forward

Successful strategies	Challenges
<ul style="list-style-type: none"> <li>» Partnerships with police lead to partnerships with other security sector institutions</li> <li>» Engaging with communities</li> <li>» Collaboration with leadership figures strengthens top-down commitment</li> <li>» Using gender mainstreaming and SGBV frameworks as an entry point</li> <li>» Linking police reform with gender-sensitive legislative reform</li> </ul>	<ul style="list-style-type: none"> <li>» Data collection and monitoring systems remain poor</li> <li>» Small scale, short time-frame</li> <li>» Not addressing recruitment and retention of female police officers</li> <li>» Little evidence of community-based initiatives affecting policy reform</li> <li>» Backlog of SGBV cases within the prosecutor's office</li> </ul>
Possible ways forward	
<p>Replication and upscaling:</p> <ul style="list-style-type: none"> <li>» One Stop Centres</li> <li>» Police and military Gender Desks</li> <li>» Training of police in issues surrounding gender and SGBV</li> <li>» Community-based SGBV prevention mechanisms and community-based discussion forums</li> </ul>	<p>Support to new areas:</p> <ul style="list-style-type: none"> <li>» Support to the justice sector</li> <li>» Recruitment and retention of female police officers</li> <li>» Data collection, processing and monitoring systems</li> <li>» GRB process to secure police budget allocations for gender</li> <li>» Right-to-information initiatives to support community review of police actions and spending patterns</li> </ul>

Bolstered by the mandate provided by Security Council resolutions 1325 (2000) and 1820 (2008), the lessons from UNIFEM's work in Rwanda and Timor-Leste can be used to inform future efforts towards gender-sensitive police reform in other conflict-affected countries.

## Annex 1. Additional programme documentation

**The programme 'Supporting Women's Engagement in Peace-Building and Preventing Sexual Violence in Conflict: Community-Led Approaches' is supported by a large body of documentation generated through the programme, including the following:**

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62. See DCAF, 'Integrating Gender in Security Sector Reform Assessments, Monitoring and Evaluation: E-Discussion Outcomes', Geneva: DCAF, UN-INSTRAW and ODIHR, 2007.
63. In Rwanda, informal estimates put the proportion of female police officers at around 10 per cent; in Timor-Leste there are 578 women in the PNTL out of a total of 3,174 personnel, and only one out of 23 inspectors is female.
64. Personal interview with two anonymous police women (names withheld by mutual agreement to maintain confidentiality), Timor-Leste, August 2009.



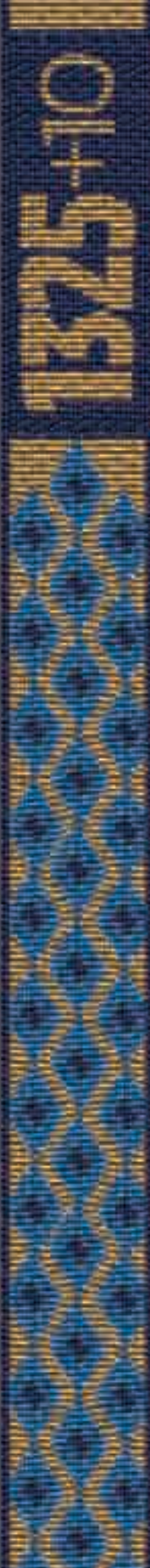




Making Transitional Justice Work for Women

**1325**  
**WOMEN**  
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# A Window of Opportunity? Making Transitional Justice Work for Women

On the cover: Port-au-Prince, HAITI, 2006: The shadow of a woman waiting to casts her vote during the Presidential election in Port-au-Prince, Haiti.

**This document was written by Nahla Valji with significant input from Romi Sigsworth and Anne Marie Goetz**

**September 2010**

# Introduction

**Transitional justice, the range of mechanisms employed to achieve redress for past human rights violations, has become a critical component of United Nations (UN) efforts to strengthen the rule of law post-conflict, as well as an integral element of the peacebuilding agenda in countries recovering from conflict.** Given the UN's growing role in providing technical support and funding to transitional justice processes, establishing guidance for gender-sensitive programming can have a significant impact on women's access to justice through these mechanisms. This is consistent with efforts to further the implementation of Security Council resolution 1325 (2000) and related resolutions 1820 (2008), 1888 (2009) and 1889 (2009) with respect to ensuring women's involvement in all aspects of post-conflict recovery and peacebuilding, and providing justice and redress for conflict-related abuses of women's rights.

In line with the recommendations of the Secretary-General in his 2004 report on rule of law and transitional justice,<sup>1</sup> this policy brief makes practical suggestions to incorporate gender equality more systematically in prosecutions, truth seeking, reparations, national consultations and institutional reforms — the components addressed by the Secretary-General in his 2010 guidance note on the UN approach to transitional justice.<sup>2</sup> As defined in the Secretary-General's report, transitional justice “comprises the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations,

truth-seeking, institutional reform, vetting and dismissals, or a combination thereof.”<sup>3</sup> Among the guiding principles of UN engagement in transitional justice activities is the need to “strive to ensure women's rights,”<sup>4</sup> recognizing that justice for women's conflict-related violations sends a strong message about equal access to justice and application of the rule of law.

Transitions provide opportunities to further gender justice, in particular through the implementation of a gender-sensitive transitional justice agenda. Transitional justice processes can be leveraged not simply to secure justice for individual human rights violations, but also to address the context of inequality and injustice that gives rise to conflict, transforming the structures of inequality that underpin this violence.

“The world is... starting to grasp that there is no policy for progress [in promoting development, health, and education] more effective than the empowerment of women and girls... And I would also venture that no policy is more important in preventing conflict, or in achieving reconciliation after a conflict has ended.”

—UN Secretary-General Kofi Annan (2006)<sup>5</sup>

## Broadening the Terrain of Transitional Justice

**Efforts to integrate a gender perspective into transitional justice have come about over the last 15 years in response to the relative neglect of women’s experiences during and after conflict;** biases in the law and in the constructs of human rights themselves that have been carried through into the working of transitional justice mechanisms; and biases in processes such as peace negotiations, where deals are reached without women’s representation.

### **Different experiences and impacts of conflict**

Rethinking the design of transitional justice measures must start from the core assumptions upon which these are premised, including such elements as the violations for which redress is sought. Pre-existing unequal power relations between men and women render women particularly vulnerable in conflict settings: this means that women’s experiences of conflict are fundamentally different from men’s, including the impact of conflict itself.

In many recent conflicts women have suffered sexual and sex-specific forms of violence, including systematic rape, sexual slavery, forced marriage, forced pregnancy, and forced sterilization or abortion. Sexual violence during conflict is often a deliberate strategy of warring parties, perpetrated for reasons that include ethnic cleansing, to destroy the fabric of family and community, to forcibly displace communities and sow terror, as a means to humiliate the male relations of the victim in patriarchal societies, and as a form of punishment for those on the ‘wrong’ side of the conflict.

Other forms of violations experienced by women during conflict include:

- » Heightened domestic violence;
- » Lack of access to basic services and means of survival due to destroyed or non-existent infrastructure;
- » Forced displacement leading to homelessness or the seeking of shelter in camps, which can facilitate conditions for increased levels of violence and insecurity; and
- » Lack of access to justice as a result of the deterioration of an already weakened criminal justice system.

Given women's position and role in traditional societies, the most frequent violations experienced by women during conflict are those of a socio-economic nature.<sup>6</sup> Yet socio-economic violations have historically fallen outside the mandate of transitional justice mechanisms.

These are some of the ways in which conflict has a gendered impact. A gendered analysis of justice would thus require rethinking the very violations for which redress is sought.

### **Different forms and forums of transitional justice**

Securing justice for women entails engaging with the processes that shape future justice mechanisms, including constitution-making and peace processes, both of which, in the words of UN High Commissioner for Human Rights Navanetham Pillay, constitute "epoch making" opportunities for furthering the goals of post-conflict justice.<sup>7</sup>

**Transformative justice seeks to address not just the consequences of violations committed during conflict but the social relationships that enabled these violations in the first place, and this includes the correction of unequal gendered power relations in society.**

### **Guiding questions for designing gender-sensitive transitional justice mechanisms include:**

- » What does justice mean for women affected by the conflict?
- » What were women's experiences of conflict?
- » What were the pre-existing gendered power relations?
- » What has been the impact of violations experienced?
- » For which violations do we seek redress?

Given the diverse and interrelated consequences of conflict for women, justice needs for women survivors have encompassed far more than the need for formal justice or prosecutions. The relationship between gender, development and transitional justice is still an underexplored area of policy development that contains the possibility of furthering comprehensive justice goals and redressing both the causes and consequences of gender-based violations. Women in many societies are subjected to varying forms of gender-based violence in their everyday lives. They are under-represented in the traditionally male-dominated political and socio-economic decision-making structures of their countries, have few or no inheritance rights in practice and may have limited educational or employment opportunities. Each of these factors shapes the impact that conflict has on women. Redress thus cannot be limited to specific violations alone, but must encompass measures to address the underlying inequalities that have shaped both the context of the violations and their impact. In other words, redress measures must incorporate 'transformative justice' as a goal.<sup>8</sup> Transformative justice seeks to address not just the consequences of violations committed during conflict but the social relationships that enabled these violations in the first place, and this includes the correction of unequal gendered power relations in society.

### Core principles of gender justice in the post-conflict period:

- » Proceeding upon the recognition that **development and peace require gender equity**;
- » Recognizing **women's rights to participate** in all aspects of the transition;
- » Developing **laws that respect and foster gender equity**; and
- » Implementing a **justice** component that does not allow for impunity and **ensures accountability for crimes committed during the conflict against women and girls**.

## Core elements of gender-sensitive transitional justice

**As with any other process of institutional change, at least three core aspects of transitional justice institutions require reform from a gender perspective.** The 2008/2009 *Progress of the World's Women* report by the United Nations Development Fund for Women (UNIFEM) outlines a framework for understanding key elements of institutional reform from a gender perspective and recommends simultaneous interventions in the following areas:

- Normative*: Does the formal remit or mandate of the institution include crimes against women as a matter of core concern?
- Procedural*:
  - *Incentives*: Do the staff of transitional justice institutions have adequate incentives to respond to new mandates on gender issues? Incentives can come in the positive form of formal or informal recognition for efforts or more punitive measures to impose sanctions for failures to address abuses of women's rights.
  - *Performance measures and review*: Are new expectations that transitional justice mechanisms will address crimes against women backed up with changes in the ways individual and institutional performance are reviewed and assessed?
  - *Removing barriers and improving access*: Are adequate steps taken to remove practical obstacles that women may face in accessing transitional justice? These obstacles can include an operating language different from the vernacular that women speak, the loca-

tion of hearings too far away for women to participate, or legal costs too high for women to pay. They include the opportunity cost of women's time—women have to make up one way or another for the loss of their labour at home in childcare and family maintenance. Costs to women also include the risk of stigmatization of women and girls who testify about gender-based and sexual violence, and the serious security risks women face when they identify perpetrators of crimes against women. To remove these access barriers, transitional justice institutions and processes must compensate for the costs women bear (in other words, they must use local languages, pay women to travel, provide child care), and they must provide protection from backlash and stigmatization (e.g., in-camera hearings, investment in attitudinal change in order to prevent ostracism).

- c. *Culture and attitudes*: Are efforts made to address gendered bias in the institution itself? This can be achieved in part by recruiting women at all levels and ensuring that they are not simply a token minority. This, however, is just a first step and more needs to be done in order to foster long-term attitudinal change about women's rights, often involving training and exposure to women's experiences of discrimination.<sup>9</sup>

The following review of important transitional justice mechanisms pinpoints the normative, procedural and cultural elements of these institutions that have in the past blocked adequate attention to women's rights. It also reviews promising recent innovations in transitional justice mechanisms and discusses UNIFEM support for interventions that have addressed bias and put in place alternatives that can be replicated in future efforts to promote gender-sensitive transitional justice.



A female former child soldier takes part in a traditional cleansing ceremony so that she may rejoin her community in Sierra Leone. Photo: Lindsay Stark

# Gender and Transitional Justice Mechanisms

**Transitional justice mechanisms to deal with past human rights abuses have traditionally included prosecutions, truth and reconciliation commissions, reparations and institutional reforms.** Incorporating a gendered perspective in the design and implementation of these mechanisms remains an ongoing challenge.

## Prosecutions

### International prosecutions

Significant advances have been made in international law and jurisprudence with regard to securing justice for conflict-related sexual gender-based violence (SGBV) over the past decade and a half. The establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 marked the first time an international tribunal explicitly listed rape as a crime against humanity in its founding statute. This was followed by a similar

provision in the 1994 statute of the International Criminal Tribunal for Rwanda (ICTR). With the establishment of the International Criminal Court (ICC) in The Hague in July 2002, there is now a permanent court with jurisdiction over the most serious international crimes: war crimes, crimes against humanity, genocide and crimes of aggression. The Rome Statute, the ICC's governing document, contains specific reference to gender-based violence as a possible war crime and crime against humanity. Included in this definition are rape, sexual slavery, enforced prostitution, forced

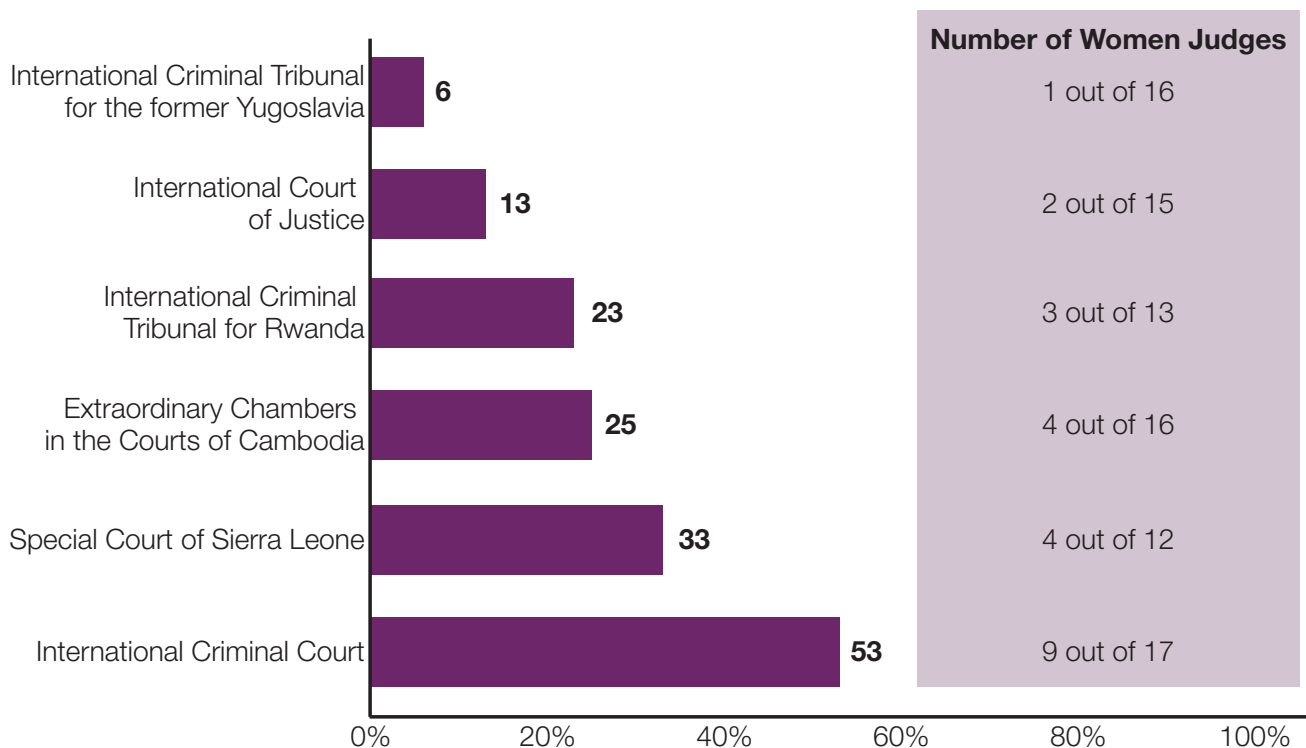


pregnancy, enforced sterilization and “any other form of sexual violence of comparable gravity.”<sup>10</sup> The ICC also sets out the components of each of these offences in its Elements of Crimes text.<sup>11</sup> The Statute therefore establishes an important model for defining sexual and gender-based crimes in international law.

International jurisprudence regarding sexual violence in conflict has also developed substantially. The groundbreaking judgement of the ICTR in the Akayesu case (1998) marked the first conviction for genocide by an international court, the first time an international court punished sexual violence in an internal conflict, and the first time that rape was found to be an act of genocide.<sup>12</sup> Moreover, in the judgement, the Tribunal established a broad legal definition of rape as “a physical invasion of a sexual nature, committed on a person under circumstances which are coercive”;<sup>13</sup> and noted that these acts of violence need not include penetration or even physical contact.

The initial case before the court did not include charges of sexual violence, and it was only as a result of the advocacy of domestic and international women’s civil society, and in particular the efforts of the sole female judge on the bench, that the charge sheet was amended to include these crimes after evidence emerged in testimony. While it cannot be presumed that women judges and staff will necessarily bring to their work a gender perspective that contributes to women’s rights, in practice they are more likely to do so. They are also more likely to be accessible to women’s organizations, as evidenced in the Akayesu case, making the inclusion of equal representation in all aspects of a court’s work a critical element for securing justice for gender-based crimes.<sup>14</sup> Graph 1 shows variations in the proportion of women judges in international tribunals and demonstrates that, on average, they are still in a minority.

### Women Judges on International Courts (% of total number of judges)<sup>15</sup>



## Other key jurisprudence on SGBV crimes in international/hybrid courts

### ICTR

In the case against Sylvestre Gacumbitsi, a teacher and local government official, the ICTR in 2004 found him guilty of a crime against humanity for instigating eight rapes. He was also found guilty of genocide by virtue of ordering, instigating, permitting, or failing to prevent or punish his subordinates and others for committing these acts.<sup>16</sup>

### ICTY

Two months after the *Akayesu* decision in the ICTR in 1998, the ICTY handed down judgement in the *Čelebići* case, which involved four employees prosecuted for the brutal sexual abuse of prisoners held at a prison camp in the Čelebići municipality.<sup>17</sup> Two of the accused were convicted of having superior responsibility for causing great suffering, torture and inhumane acts for sexual violence perpetrated against female detainees.

Shortly thereafter, the ICTY released the 1998 *Furundžija* decision.<sup>18</sup> The Chamber in *Furundžija* did not rely on the *Akayesu* definition of rape. It offered a far more comprehensive definition, advancing legal responses to sexual violence in conflict by expanding the definition of rape to include oral and anal penetration. The ICTY additionally acknowledged that although rape is covered under the ICTY Statute, other less grave forms of serious sexual assault are implicitly covered under the term 'other inhumane acts.'

The 2001 *Foca* case was the first indictment issued against individuals by an international court purely for crimes of sexual violence. This decision also marked the first time that rape was charged as a crime against humanity by the ICTY and the first conviction for rape in conjunction with enslavement.<sup>19</sup>

### Special Court for Sierra Leone

In the *Revolutionary United Front (RUF)* case, forced marriage was charged as an inhuman act and crime against humanity under the Court's 2000 statute.<sup>20</sup> The Trial Chamber specified that rape and forced marriage are distinct acts, as are forced marriage and sexual slavery, and as such, it is possible to be convicted of them all.<sup>21</sup> This was the first conviction of the charge of forced marriage under international law.

There have also been positive examples of sexual violence convictions before the East Timor Serious Crimes Investigation Unit and the Iraqi High Tribunal, both hybrid courts. This increasing body of jurisprudence signifies an important evolution in international law and establishes precedents for future cases.

As critically important as the *Akayesu* case and other similar watershed cases have been, successful prosecutions for sexual violence in conflict have been few and far between. Though the *Akayesu* decision is celebrated for expanding international criminal law with regard to rape, legal theorists see this judgement as an exception in the decisions of the ICTR. One observer of the court noted that on the tenth anniversary of the 1994 genocide, "the ICTR had handed down 21 sentences: 18 convictions and 3 acquittals. An overwhelming 90 per cent of those judgments contained no rape convictions. More disturbingly, there were double the number of acquittals for rape than there were rape convictions. No rape charges were even brought by the Prosecutor's Office in 70 per cent of those adjudicated cases."<sup>22</sup> The handful of prosecutions seems in stark contrast to the 250,000–500,000 incidents of sexual violence estimated to have taken place during the Rwandan genocide.

### Protection of victims and witnesses

Women's participation as witnesses before international and hybrid courts has been hampered by a range of difficulties, including the adversarial nature of the court process, which is ill-suited in particular to crimes of a sexual nature; the stigma attached to testifying as a victim of sexual violation; the insensitivity with which victims are often treated; the unevenness of protection measures for testifying witnesses; and the general neglect with which crimes of a sexual nature are treated.

Making prosecutions gender sensitive requires the inclusion of women and dedicated gender expertise in all areas of court staffing, from investigators to statement takers to outreach personnel.<sup>23</sup> The Special Court for Sierra Leone dedicated 20 per cent of its investigators to SGBV cases, recognizing the widespread nature of the crime and the expertise needed to effectively investigate and prosecute. This marked a significant shift from the 1–2 per cent of investigators dedicated to SGBV in the earlier ICTR.<sup>24</sup> Those

responsible for the prosecution process must also ensure that suitable and sensitive evidence-gathering mechanisms are in place, that witnesses are sufficiently protected, that long-term, contextually relevant and sustainable trauma support is provided for victims and, in the case of international prosecutions, that advance preparations are made for those witnesses who must travel (including cultural acclimatisation).

### Domestic prosecutions

International prosecutions are expensive and lengthy processes that can generally only prosecute those deemed ‘most responsible,’ leaving the vast majority of perpetrators untouched. Domestic prosecutions are important in addressing this impunity gap and establishing the rule of law in the long term. Because domestic justice systems have often been undermined or destroyed by past conflict, rebuilding these institutions and ensuring an end to impunity for all crimes, including gender-based violence, must be a priority for the establishment of the rule of law, which is critical to long-term peace and stability.

Domestic prosecutions should be undertaken in line with international laws and good practice. For example, the domestication of the Rome Statute of the ICC should not simply mean recognizing the jurisdiction of the Court and integrating the Statute itself into national law, but should also include the domestication of its operating procedures and policies. These include the Rules of Procedure and Evidence, which provide specific measures for the protection of sexual violence witnesses, allow for the possibility of in-camera hearings, do not require corroboration for sexual violence crimes, and compel the registrar to take “gender-sensitive measures to facilitate the participation of victims of sexual violence at all stages of the proceedings.”<sup>25</sup> The Statute also requires the prosecutor to appoint advisers with legal expertise on SGBV and the establishment of a Victims and Witnesses Unit with staff who have experience in trauma related to sex crimes.

### Traditional or informal justice processes

Studies show that informal systems of justice are the principal legal recourse for the majority of citizens in post-conflict countries.<sup>26</sup> For most women, and more generally for most citizens of post-conflict societies, these are the only accessible sites of justice, mediation and conflict resolution. Important as these avenues for justice may be, traditional justice processes are often inherently gender biased, and the prevailing cultural or traditional norms serve to reinforce inequalities. For example, in some countries the rape of a woman is traditionally dealt with ‘informally’ either by ‘compensating’ the family or forcing the woman to marry her rapist in order to preserve her (and by implication her family’s) honour.<sup>27</sup> Such practices may be implicitly encouraged or tolerated by informal justice systems, or they may in fact be actively implemented by these institutions. After conflict, these bodies may be used by those with power not to protect women’s rights but as a vehicle to ‘retraditionalize’ society and restore previous unequal relations and norms.

**‘Tradition’ and ‘custom’ are not static but evolve to meet new challenges and needs.**

Transforming informal justice systems is a priority post-conflict, given that the majority of cases will continue to be dealt with in these forums. ‘Tradition’ and ‘custom’ are not static but evolve to meet new challenges and needs. Active and constructive engagement with these institutions may in fact transform them into gender-sensitive and rights-respecting bodies so that citizens have accessible, relevant and participatory avenues for seeking access to justice. In the Republic of South Africa for example, the constitution permits certain powers to be held by traditional leaders, but these must be exercised in line with constitutional principles, including gender equality. Additionally, the South African Law Commission has reviewed all customary law in order to

make recommendations on its harmonization with the South African Constitution. In the Republic of Uganda, Local Council Courts are required to have a minimum of one-third women on their panel.<sup>28</sup>

### **UNIFEM support to informal justice processes**

In the Republic of Burundi, UNIFEM supported the sensitization of the Bashingantahe, the traditional conflict-resolution institution. As a result, the Bashingantahe amended its charter to allow for the effective involvement of women, reflect women's rights and clarify its role in addressing violence against women. For the first time, women are admitted to participate in judicial decisions and now constitute 40 per cent of the judges in each session. A direct outcome has been an increase in cases of sexual violence heard by these forums as a result of increased levels of trust among women in reporting crimes to these institutions.

The focus on transforming informal justice in line with international human rights norms should not, however, detract from the imperative to reform formal justice systems. Efforts should be made to ensure that informal justice systems do not become the only justice venue accessible to women, and equally—in particular in cases of SGBV—that the formal court system is available to victims to deliver the punishment and sanction due to such serious crimes.<sup>29</sup>

### **Truth-seeking**

#### **Truth commissions**

Truth commissions can be defined as “bodies set up to investigate a past history of violations of human rights in a particular country.”<sup>30</sup> They are “officially sanctioned, temporary, non-judicial investigative bodies ... granted a relatively short period for statement-taking, investigations, research and public hearings, before completing their work with a final public report.”<sup>31</sup>

These bodies have their origins in the transitions from authoritarian regimes to democratic states in Latin America in the early 1980s, where efforts at prosecution were stymied by the continuing power held by former military regimes and the threat they posed to nascent democracies. Since the initial or ‘first generation’ truth commissions, they have become increasingly important in post-conflict or post-authoritarian transitions across numerous and varied contexts. The most known, researched and written-about truth commission to date remains the South African Truth and Reconciliation Commission (SATRC), established in 1995 to address the gross violations of human rights that occurred during apartheid. Today, largely in emulation of the SATRC, truth commissions generally employ public hearings for victims as well as institutional and thematic hearings that explore the role and impact of the conflict on key social groups and institutions in society. Truth commissions can serve as a platform for recording an inclusive history and denouncing past violence. They are also increasingly being adapted to meet the needs of their local context, incorporating local justice and reconciliation processes—as was the case in the Republic of Sierra Leone and the Democratic Republic of Timor-Leste—to deepen their impact and relevance among the local populations.

There have been approximately 40 truth commissions to date. Their common objectives include accountability, official acknowledgement for crimes of the past and for victims’ experiences of these crimes, establishing an inclusive history and citizenship, identifying victims for reparations, making a moral/symbolic break with the past, contributing to the development of a culture of respect for the rule of law and human rights, making recommendations for institutional reforms, and serving as a platform for nation-building and reconciliation.

## National truth commissions post-2000: Number and percentage of women<sup>32</sup>

Country	Start date	Name of truth commission	Number of women commissioners as per total	Percentage of women commissioners
Uruguay	2000	Peace Commission	0 of 6	0%
South Korea	2000	Presidential Truth Commission on Suspicious Death of the Republic of Korea	1 of 9	11%
Panama	2001	Panama Truth Commission	2 of 7	28%
Peru	2001	Truth and Reconciliation Commission	2 of 12	17%
Serbia and Montenegro	2002	Truth and Reconciliation Commission for Serbia and Montenegro (also called the Yugoslav Truth and Reconciliation Commission)	3 of 15	20%
Ghana	2002	National Reconciliation Commission	3 of 9	33%
Timor-Leste	2002	Commission for Reception, Truth and Reconciliation	2 of 7	29%
Sierra Leone	2002	Truth and Reconciliation Commission	3 of 7	43%
Chile	2003	National Commission on Political Imprisonment and Torture (Valech Commission)	2 of 8	25%
Democratic Republic of the Congo	2003	Truth and Reconciliation Commission	2 of 8	25%
Paraguay	2004	Truth and Justice Commission	1 of 9	11%
Morocco	2004	Equity and Reconciliation Commission	1 of 16	6%
Liberia	2006	Truth and Reconciliation Commission	4 of 9	44%
Ecuador	2007	Truth Commission	1 of 4	25%
Mauritius	2009	Truth and Justice Commission	1 of 5	20%
Solomon Islands	2009	Truth and Reconciliation Commission	2 of 5	40%
Togo	2009	Truth, Justice and Reconciliation Commission	4 of 11	36%
Kenya	2009	Truth, Justice and Reconciliation Commission	4 of 9	44%
Canada	2009	Truth and Reconciliation Canada	1 of 3	33%
Honduras	2010	Truth and Reconciliation Commission	2 of 6	33%

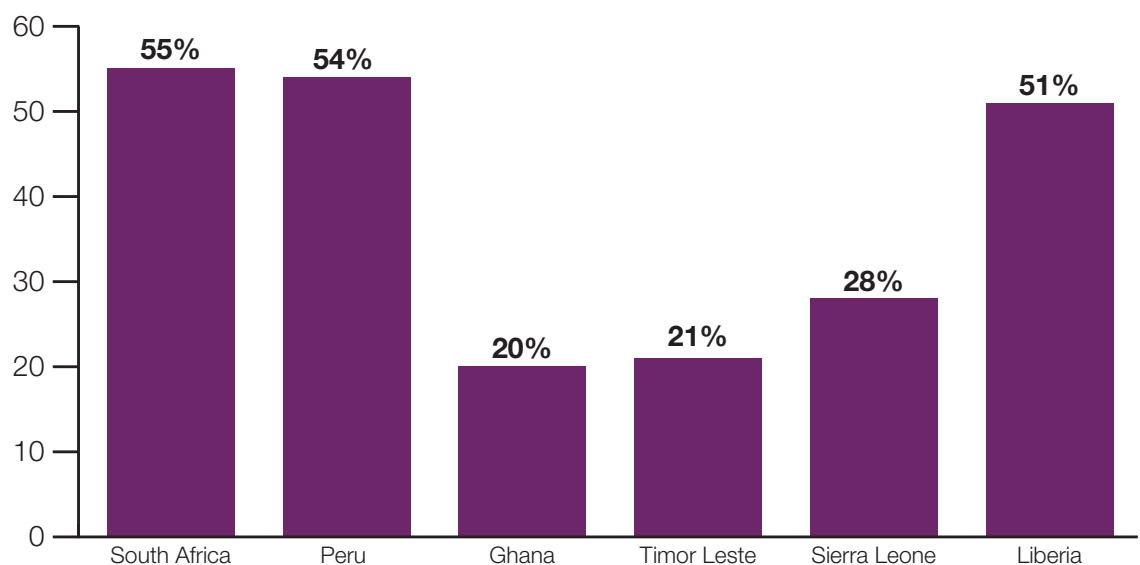
## Mainstreaming gender in truth commissions

Over the years, progress has been made in mainstreaming gender into the work of truth commissions. The first commissions in Latin America were gender-blind: truth commissions in the Argentine Republic (1983–1984) and the Republic of Chile (1990–1991) did not see the importance of including gender in their national truth-seeking, and mandates made no reference to it. The SATRC (1995–2000) was the first to incorporate hearings at which women were encouraged to tell their stories and express their demands for justice and reconciliation. The truth commissions in the Republic of Peru and Sierra Leone built on and learned from the South African example. The Peruvian Commission set an important precedent by both mainstreaming gender into the proceedings and having a separate gender unit to ensure the inclusion of gender considerations in the daily work of the Commission.

In the Sierra Leone Truth and Reconciliation Commission (2002–2003), special support was given to women victims, which enabled many of them to break the silence about their violations. The report of these proceedings was the first to make the links between pre-conflict gender inequalities and the gendered nature of violations

during conflict.<sup>33</sup> In particular, the commission noted in its final report that “A culture of exclusion and marginalisation in the management of economic and political affairs in Sierra Leone existed before and during the civil conflict ... This persists today ... Women are largely absent from the structures of government and traditional forums that are critical in formulating policies. They are excluded in the processes involving security sector reform and other post-conflict and peace building measures undertaken by the State.”<sup>34</sup> It further noted that the impact of the conflict had been exacerbated by this exclusion and inequality, and that the ability of women to recover from past violence had been hampered by a “lack (of) adequate access to productive assets including land, credit, training and technology”.<sup>35</sup> As such, in its recommendations for redress, the TRC noted that addressing structural inequality would entail measures which “encompass law reform, access to justice, the abolition of discriminatory customary law and practices, the building of institutional capacity and the establishment of educational programmes to counter attitudes and norms which lead to the oppression of women. The Commission views education, health, economic empowerment and political participation as priority areas for the progressive development of women in Sierra Leone.”<sup>36</sup>

## Percentage of Statements Provided to Truth Commission by Women



While women have given testimony in strong numbers before some truth commissions, much of the testimony has tended to be in relation to violations experienced by male family members. Growing experience in this area has led to some positive practices in recent commissions. In the Republic of Liberia, owing to the preparation and pre-hearing support that had been provided by the Commission's gender committee and gender experts, women's representation as witnesses was equal to men's and they spoke of their own experiences. In Timor-Leste, where the number of women who came forward as witnesses was much lower than expected, the gender unit commissioned 200 in-depth oral histories by women in order to supplement their understanding of women's experiences.

Women's reporting of sexual violence crimes, however, remains extremely limited. In Timor-Leste, for example, only 853 cases of sexual violence were recorded by the commission. This is in contrast to local estimates of large-scale rape during the conflict, as well as the findings of the UN's International Commission of Inquiry on East Timor, which established "a pattern of serious violations in East Timor after January 1999, including sexual abuse, rape, stripping and sexual slavery of women."<sup>37</sup> In Liberia, whilst women came forward to testify to the truth commission in equal numbers as men, less than 4 per cent of reported violations were for sexual violence and related crimes. A World Health Organization study conducted in 2005 found that in the four counties surveyed, over 80 per cent of women had experienced some form of SGBV during the conflict.<sup>38</sup> Similar contrasts between the scale of sexual violence in conflict and the numbers reported to transitional justice mechanisms are evidenced in all truth commissions to date.

Possibly the best practice in incorporating gender into a truth commission thus far has been in Timor-Leste (2002–2003), where the Commission's women's hearings concentrated not

**Truth commission reports that have included specific chapters on SGBV crimes or women's experiences of conflict:**

- » South Africa
- » Peru
- » Timor-Leste
- » Sierra Leone
- » Liberia
- » Morocco
- » Guatemala
- » Haiti

only on sexual violence, but on other aspects of women's experiences of conflict, including the violations of women's socio-economic rights and the more wide-ranging consequences of conflict. For instance, the report of the Commission for Reception, Truth and Reconciliation in East Timor "demonstrates how forced displacement resulted in a range of harms for women, from starvation to exacerbated vulnerability, to sexual abuse; from forced labour to denial of fundamental freedoms; the deprivation of women's civil and political rights were intricately tied here to the denial of their social and economic rights."<sup>39</sup>

However, this learning process is not linear. The Act which established Kenya's Truth, Justice and Reconciliation Commission (2008) mentions gender, but does not provide for women commissioners specifically, include a gender mainstreaming strategy, or link to plans for furthering gender justice more generally. While the Commission did embark on a process in 2009 to develop a gender policy to guide its work, gender-sensitive measures are best contained in the legal Act establishing the Commission and its mandate to ensure that they are integrated early on as a guiding principle.

**In Sierra Leone, UNIFEM was involved in strengthening the work of the Truth and Reconciliation Commission (TRC) through a number of initiatives, including:**

- » Working with the Women's Task Force, a coalition of local and international civil society organizations that mobilized around women's involvement in the TRC and the Special Court to ensure that crimes affecting women were addressed;
- » Providing funding to women's groups for activities that gave support to women coming before the Commission (e.g., for transport), to non-governmental organizations to compile documentation on the experience of women in their regions, and to address some of the immediate medical needs of rape survivors;
- » Providing information technology support to the Commission itself to ensure the gender disaggregation of the data collected; and
- » Conducting training for commissioners and senior TRC staff to help them respond to the needs and concerns of women. The commissioners subsequently made special provisions to encourage the collection of testimonies on sexual violence, including a witness protection programme and trauma counselling services.

Securing justice for women's experiences of conflict through truth commissions entails mainstreaming a gender perspective through the work of the truth commission early on, and through to the implementation of its recommendations.

With regard to the establishing mandate of a truth commission, core elements to ensure a gender-sensitive institution should include: the inclusion of women's groups on the commissioner-selection panel; a minimum quota for women in all staffing positions; identification of sexual violence as a specific crime to be investigated; the establishment of a gender unit; and gender-sensitive witness protection and psycho-social support policies.

More truth commissions are ensuring gender quotas for commissioners. The mandate of the Timor-Leste truth commission, for instance, provided that no less than 30 per cent of national and regional commissioners must be women and that in hiring staff, gender expertise be sought. In Liberia the founding Act mandated that no fewer than four of the nine commissioners should be women.



## Examples of gender-responsive mandate language: The Liberian Truth and Reconciliation Act

The Liberian Truth and Reconciliation Act:

- » Reaffirmed the commitment of the Liberian people to “international conventions and protocols relating to the rights and protections of women and children” (Preamble, paragraph 12);
- » Required the TRC to adopt “specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender-based violations” (Article IV, section 4e);
- » Established that no fewer than four of the nine commissioners would be women (Article V, section 7);
- » Established that the TRC “consider and be sensitive to issues of human rights violations, gender and gender-based violence thus ensuring that no one with a known record of such violations are employed by the TRC and that gender mainstreaming characterizes its work, operations and functions, thus ensuring that women are fully represented and staffed at all levels of the TRC and that special mechanisms are employed to handle women and children victims and perpetrators, not only to protect their dignity and safety but also to avoid retraumatization” (Article VI, section 24);
- » Mandated the TRC to create a space for providing testimony that gives “special attention to the issues of sexual and gender-based violence, and particularly to the experiences of children and women during armed conflicts in Liberia” (Article VII, Section 26f);
- » Required the Commission to employ specialists in children’s and women’s rights and ensure that “special measures or mechanisms are employed that will enable women and children to provide testimony to the TRC, while at the same time protecting their safety and not endangering or delaying their social reintegration or psychological recovery.” (Article VII, Section 26o); and
- » Called for special measures for witness protection on a case-by-case basis for women and children who may experience trauma, stigmatization or threats as a result of providing testimony (Article VII, Section 26n).

The Act also provided for hearings to be held *in camera* and required the commission to take sufficient measures to allow victims to give testimony in the language of their choice

Funding has been identified as a key constraint to the establishment of gender-specific measures in truth commission processes: in South Africa, researchers noted that proper gender research was limited due to resource constraints; in Peru, lack of funding for the gender unit left it reliant on other units, limiting its activities and impact considerably; in Liberia, both the establishment of the Gender Committee and the finalization and implementation of the gender policy were delayed until late in the TRC process because of resource issues; and in Kenya, although the mandate of the Truth, Justice and Reconciliation Commission provided for the possibility of a separate gender unit, due to resource constraints it was decided that gender would instead be dealt with alongside victims and minorities by a broad 'Special Services Unit.' While adequate funding is critical to a truth commission's success, and to gender-specific activities, this is not simply an issue of limited funding; rather it is about the prioritization and use of existing funds. Incorporating a gendered analysis into all aspects of a truth commission's work is crucial and can be undertaken regardless of budget size.

The final reports of truth commissions represent another avenue for ensuring that women's experiences of conflict are documented and recommendations are made for suitable redress. These reports should have both dedicated chapters on women's experiences in conflict, as well as a mainstreamed gender analysis throughout.

The Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR) included a dedicated chapter on sexual violence in its final report, where it noted that "rape, sexual slavery and sexual violence were tools used as part of the campaign designed to inflict a deep experience of terror, powerlessness and hopelessness upon pro-independence supporters. Sexual violation of East Timorese women ... was intentionally carried out to destroy the self-esteem and spirit, not only of the victims, but of all who supported

the movement for independence, with the aim of forcing them to accept the political goal of integration with Indonesia."<sup>40</sup> The Commission further found that "members of the Indonesian security forces and their auxiliaries were involved in widespread and systematic rape, sexual torture and acts of sexual violence (other than sexual slavery) directed mainly towards vulnerable East Timorese women ... Institutional practices and formal or informal policy of the Indonesian security forces tolerated and encouraged the rape, sexual torture and sexual humiliation of East Timorese women by members of the Indonesian armed forces and the auxiliary groups under their command and control."<sup>41</sup>

The Peruvian TRC noted in its final report that there were "important gender dimensions to the economic causes and consequences of human rights violations, such as the widespread displacement of women and children and a phenomenal rise in female-headed households in many communities affected by violence."<sup>42</sup>

## Topics to be covered in gender chapters of commission reports

- » Gendered patterns of human rights violations;
- » Gender-differentiated impact of human rights violations and the broader conflict;
- » National and international law addressing crimes against women;
- » Enabling conditions for women's vulnerability to human rights violations;
- » Ideologies of femininity and masculinity that permeated the conflict in relation to nationalism and violence;
- » Gender dynamics of racial oppression and other kinds of social exclusion/marginalization that characterized the conflict;
- » Role of women activists, both as individuals and through women's organizations;
- » Gender dimensions of psychosocial trauma in the affected community;
- » Issues that emerged in individual and thematic public hearings;
- » Recommendations for reparations and reform that address women's specific needs and goals;
- » Gender-differentiated statistical analyses of commission findings;
- » Challenges commissions faced in investigating crimes suffered by women; and
- » Gender-specific limitations of the commission's work and findings.

Reproduced from Vasuki Nesiiah et al., "Truth Commissions and Gender: Principles, Policies, and Procedures," International Center for Transitional Justice (ICTJ), 2006.

A truth commission's final report also has an important role to play with regard to recommending gender-sensitive reparations, in terms of both individual redress and broader reforms to address gender inequality. In the Kingdom of Morocco, the Equity and Reconciliation Commission recommended that communal reparations integrate a gender approach and that they target specific groups, specifically citing women. With regard to legislative reform, the Moroccan Commission called for "developing a clear and precise definition of violence against women, in conformity with international norms."<sup>43</sup> Timor-Leste's CAVR recommended prioritizing for reparations those most in need, including widows, single mothers and survivors of sexual violence. It also recommended that reparations include skills training and income-generating activities and that 50 per cent of any reparations fund be earmarked for women beneficiaries.<sup>44</sup> The recommendations of the Sierra Leone TRC included legislative reforms and the creation of a 30 per cent quota for women's representation in politics.

### Commissions of inquiry

Commissions of inquiry can serve as important precursors to transitional justice mechanisms. In the Republic of Kenya, for example, the Commission of Inquiry into Post-Election Violence, known widely as the Waki Commission after its chairperson, was created in 2008 and charged with investigating the violence that followed the 2007 general elections. In its report, the Commission recommended that a special tribunal be created to "seek accountability against persons bearing the greatest responsibility for crimes, particularly crimes against humanity, relating to the 2007 General Elections in Kenya." The Waki Commission laid the groundwork for the Truth, Justice and Reconciliation Commission currently operating in Kenya and its findings form the basis for ongoing investigations by the ICC.

In Darfur, the UN's International Commission of Inquiry on Darfur, established in 2004 to investigate reports of violations of international humanitarian and human rights law, found that wide-scale violations had in fact occurred. In a dedicated section on rape and other sexual violence, the Commission found that crimes committed in the region included "widespread and systematic" rape and sexual violence on a scale that could amount to crimes against humanity.<sup>45</sup> In light of the findings, the Commission recommended that the Security Council refer the matter to the International Criminal Court for investigation and possible prosecution. This was subsequently carried out.

### **UNIFEM support to Commissions of inquiry**

In both Guinea and Kenya UNIFEM has played an important role in supporting the work of the commissions of inquiry as well as in assisting civil society to document the use of sexual violence and transmit this information to these commissions. In Kenya, UNIFEM seconded a gender adviser to the Commission of Inquiry into Post-Election Violence to promote gender-sensitive processes, inclusion of SGBV in the investigations, and inclusion of women's concerns in final recommendations to the President and Panel of Eminent African Personalities. UNIFEM also worked with partners to collect testimony from 300 women, which was presented to the Commission to ensure that women's experiences of the violence were documented and thus increase the likelihood that they would be addressed. In Guinea, UNIFEM provided an international legal expert to advise on SGBV investigations and prosecutions.

Similarly, in 2009 in the Republic of Guinea an international commission of inquiry was set up to investigate the violent crackdown that occurred in September of that year. This commission was the

**Given the role these bodies play in laying the foundation for future prosecutions, ensuring the full investigation of all SGBV crimes during the work of commissions of inquiry can significantly increase the likelihood of securing future justice for these crimes.**

strongest thus far from a gender perspective. It named the head of state, as well as several of his associates, as potentially liable for crimes against humanity perpetrated against Guinean civilians, and established that at least 109 women had been subjected to rape and other sexual violence and that these crimes in themselves may have amounted to crimes against humanity.

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## Unofficial truth-seeking measures

Unofficial civil society initiatives have played an important role in furthering truth-seeking and accountability for violations against women. In 2000, international and local civil society groups organized the International Women’s Tribunal in Tokyo to seek accountability for the experiences of thousands of Asian ‘comfort women’ during World War II. In the Republic of Guatemala a decade later, in March 2010, the Tribunal of Conscience was established by local civil society to hear the testimony of women who had suffered sexual violence during that country’s long internal armed conflict. While they are often a symbolic measure, such tribunals nevertheless provide a platform for witnesses to tell their stories and for judges to issue judgements, findings and recommendations for future advocacy; they also add to documentation for possible future prosecutions. In the case of the Guatemala Tribunal, outreach specifically targeted indigenous women, who were worst affected by the conflict but who continue to be marginalized and have limited avenues for justice.<sup>46</sup>

## Reparations

**“Reparation must go above and beyond the immediate reasons and consequences of the crimes and violations; they must aim to address the political and structural inequalities that negatively shape women’s and girls’ lives.”**

—Nairobi Declaration on Women’s and Girls’ Right to a Remedy and Reparation (2007)<sup>47</sup>

In the broadest sense reparations are measures that are intended to ‘repair’—to redress past harms, in particular the systematic violation of human rights that are commonly associated with periods of conflict or repression. Of all the measures designed to seek redress for past human rights violations, reparations are the most directly victim-focused and as such hold much potential not just for delivering compensation narrowly de-

finied, but also for contributing to the transformation of the underlying gender inequalities in post-conflict societies.

The concept of reparations—the idea of a moral duty to compensate victims—is enshrined in numerous international treaties and is a principle common to many traditional justice systems. While no measure can ever repair the harms caused by serious human rights violations, the goal of reparations is to acknowledge the harm, establish responsibility and adopt measures that can contribute towards redress—materially, symbolically and morally.

The UN’s “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”<sup>48</sup> provides guidelines regarding the fulfillment of the right to reparations. It defines the constituent elements of a reparations programme as including: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

Each of these elements must be examined from a gendered perspective in order to ensure that reparations programmes do not simply reproduce gender inequalities and unjust practices. For example, the definition of restitution is traditionally understood to mean to restore a victim to their original situation. This is the legal foundation of reparations. For women this would often entail returning them to a context of inequality and injustice, fulfilling the letter but not the spirit of restitution. Equally, guarantees of non-repetition have little meaning for women who continue to experience high levels of violence even after the cessation of formal conflict. Reparations programmes must therefore address the root causes of conflict and further women’s security from violence if they are to deliver on their core objectives.

Provision of reparation needs to have as a starting point an accurate mapping of women's position in society as well as their roles and experiences before and during conflict. Violations covered should correspond with women's experiences. Most programmes have implicitly discriminated against women by leaving out reparations for reproductive violence, including forced pregnancy, forced sterilization and forced abortions. They have also neglected the range of socio-economic violations women disproportionately experience during conflict.

### **Data on reparations payments to women**

There is limited sex-disaggregated information available on the distribution of reparations cash payments.<sup>51</sup> Some of the limited data we have comes from the Timor-Leste truth commission, which by the end of its operations had provided urgent interim reparations in the form of cash grants to 516 men (73 per cent) and 196 women (23 per cent).<sup>52</sup>

In Sierra Leone, the Year 1 project, financed by the UN Peacebuilding Fund, paid out \$100 each to 2,918 victims of sexual violence and 4,745 war widows. In addition, 235 women received fistula surgery or medical treatment for health issues arising from sexual violence. There is, however, no sex disaggregation of data for the other categories of victims who received compensation, such as amputees.<sup>53</sup>

The ICC Trust Fund for Victims is the first reparations fund to be connected to an international tribunal. It is currently assisting 13,700 victims of specific crimes in northern Uganda and the Democratic Republic of the Congo.<sup>54</sup> Of these, 3,100 are female victims of SGBV. Sex-disaggregated statistics are not available for the other categories of beneficiaries, including other war-wounded, children and youth associated with fighting forces, and victims of torture, mutilation and other attacks in need of medical assistance.

### **Administrative reparations**

Administrative reparations programmes<sup>49</sup> can take many forms: individual grants or compensation payments; community reparations, which are intended to acknowledge areas worst affected by past violence; the provision of preferential access to services for victims; or symbolic measures, which include memorialization efforts and official apologies. A comprehensive and effective reparations programme will include all of these elements.

Individual payments or grants can be very beneficial to women, providing resources that can be used to mitigate the impacts of past harms and also to further economic empowerment. In line with this, material reparations should be conceived in a way that can advance these goals for women, and should be informed in their delivery by an analysis of family and community power relations, as well as broader contextual factors. For example, compensation to sexual violence survivors should ensure confidentiality so that women are not exposed to further stigma. Dissemination of payments should take into consideration women's access to necessary documentation as well as bank accounts. In South Africa, for example, due to the legacy of apartheid many African women who were intended beneficiaries of the reparations programme did not have their own bank accounts. Reparation payments, both the urgent interim payments that were made in 1999 and the full individual compensation awarded in 2003, were therefore often deposited into the accounts of male family members, leaving women with limited or no control over the resources. In some cases, tension over how the money should be spent in households contributed to domestic violence.<sup>50</sup>

Progress in securing gender-sensitive reparations continues to be accompanied by serious gaps and challenges: reparations are rarely paid out in a full and comprehensive manner; problems of access (including for women residing

in remote locations, lack of transport, language barriers, illiteracy and a lack of knowledge about their rights and what is due to them) limit women's claims to reparations. In many cases, efforts to make reparations systems gender-sensitive have been limited to simply adding the crime of sexual violence to the list of violations that trigger reparations (and thereby reducing women's experiences of conflict and the categories to be redressed to simply being victims of sexual violence), or alternatively 'adding women' to existing reparations programmes without considering the gendered power relations in society and how this will affect the goal of repair.

Access to services can supplement individual grants and assist in dealing with some of the consequences of specific harms. Sexual violence, for example, has serious physical and mental health consequences, and as such redress measures should include access to psychosocial care and medical services. In Sierra Leone, for example, fistula surgery was offered among the reparations owed to victims of sexual violence. Other services for victims of sexual violence should include support for children born of rape, access to abortions or adoption processes, provision of anti-retroviral drugs or other needed medications. Inclusion of access to services should be specifically directed at mitigating the actual harms of the violation.

### Collective reparations

Collective reparations are receiving increased attention in the design of comprehensive reparations programmes. The advantage of providing benefits collectively is that it allows for a broader universe of beneficiaries, particularly in contexts where the violations were numerous, geographically focused or identity-based, or where regions of a country were deliberately underdeveloped or marginalized with regard to State benefits as a cause or consequence of the conflict. Additionally, collective reparations can begin to address the wider impacts of individual violations. For

example, sexual violence in conflict is often employed to break the bonds of families and communities and to instill terror, an intended harm that reaches beyond the individual. In Morocco, reparations were provided to communities where secret detention centers had been located in order to take into account the impact of the facility not just on individual detainees, but on the community itself: these communities were collectively excluded from the economic and social benefits of the State in an effort to marginalize and isolate them and thereby preserve the secrecy surrounding the detention centers.<sup>55</sup>

Consultations are of particular importance when designing collective reparations programmes. Research shows that exposure to violence has differential impacts on men and women and informs their views on what measures are needed for redress. Equally, collective programmes within communities must be cognizant of and address past marginalization and power relations. A recent study by the ICC's Trust Fund for Victims found that women in northern Uganda prioritized individual over community reparations, more so than men in the survey: When asked whether victims should be assisted as "individuals," "communities" or "both," the majority of women (59 per cent) chose "individuals," while the majority of men (55 per cent) chose either "communities" or "both." The study concludes on the basis of extensive research in these communities that these preferences are likely a reflection of a mistrust women have towards their communities, a recognition of existing power relations, and the likelihood that they will be marginalized from any decision-making regarding the form reparations would take.<sup>56</sup> The research re-emphasizes the need for women to participate in representative numbers in all post-conflict decision-making forums to ensure that their views are equally reflected and that outcomes benefit all intended.<sup>57</sup>

### Symbolic reparations

These measures can include public apologies, memorials, reburials and the renaming of streets and public buildings. By ensuring that these programmes are gender-sensitive and include the diverse roles played by women in a nation's history—not simply portraying women as caregivers or victims—symbolic reparations can “be used to challenge dominant femininities and masculinities that are produced in times of armed conflict and in its aftermath.”<sup>58</sup> An example of such a symbolic measure was the apology made by the President of Sierra Leone to the women of the country. On 27 March 2010—International Women's Day—President Ernest Bai Koroma publicly stated that the State “fell short in our obligation to adequately protect women from the brutalities of armed conflict.”<sup>59</sup> He apologized for the wrongs done to Sierra Leonean women, asked for forgiveness in the name of the armed forces, and pledged to protect women's rights going forward. He also acknowledged that traditional and cultural practices in Sierra Leone have grossly violated women's human rights.

### Examples of furthering gender equality through reparations

Peru made important gains in addressing reparations from a gendered perspective by reframing programmes to include access to health, housing and education, as well as symbolic reparations.

In Morocco, a gender-based approach to reparations was achieved by acknowledging specific harms done to women (including relatives of direct victims), recognizing discrimination in previous approaches to reparations, and defining sexual attacks as a category of violations to be compensated. Moreover, the truth commission report recommended a process whereby female heads of household could receive compensation directly and on an equal basis, rather than through the eldest male relative as per Sharia inheritance law.

### Reparations for social transformation

In order to achieve their maximum potential for advancing gender justice, reparations programmes must be both targeted and transformative: targeted in that priority should be given to specific vulnerable or in-need groups, and transformative in that they should aim to redress underlying inequalities. Land restitution is a key example of the transformative potential of reparations programmes. Reparations encompass the restitution of land and property; in many contexts, however, women's access to land titles and property was either legally denied or denied in practice. Restitution in these cases must include providing equal land title and inheritance rights to women, rather than reinstating an unjust system.

Transformative goals can also be furthered by harmonizing reparations with broader development initiatives to ensure impact and sustainability. In the context of land restitution, for example, access to land must go hand in hand with land reform and redistribution policies more generally, including land tenure reform; it should also be linked to rural development programmes so that skills, technology and access to credit, as well as roads to markets, all support women's livelihood capabilities and transform skewed gendered patterns of land ownership and financial control.<sup>60</sup>

Recognition of the need for reparations to play a transformative role is gaining ground in international policy and jurisprudence. The 2010 thematic report of the Special Rapporteur on Violence against Women was dedicated to reparations for women, and speaks of the need for reparations to fulfill a transformative role. This was preceded by a landmark judgement handed down by the Inter-American Court of Human Rights in *Cotton Field v. Mexico* (2009). The case involved the abduction, sexual assault and killing of three females, two of whom were minors. The Court found that there had been a failure to properly investigate or seek prosecutions for these crimes, and in its judgement, it demanded not just that the State pay



compensation to the families, but that the principle guiding these reparations must be that they have a transformative impact.<sup>61</sup> In addition to advocating a gender-sensitive and transformative approach to reparations, the judgement also underlined the need to address the systemic nature of discrimination which informed both the violations and the impunity enjoyed by the perpetrators.

## National consultations

National consultations on the design of transitional justice measures are regarded as an important tool for increasing local ownership, impact and relevance. In particular, the Secretary-General notes in his 2004 report on Rule of Law and Transitional Justice that “the most successful transitional justice experiences owe a large part of their success to the quantity and quality of public and victim consultation carried out.”<sup>62</sup> In both this report and the subsequent OHCHR Rule of Law Tool on national consultations,<sup>63</sup> the need for specific consultations with women is emphasized.<sup>64</sup> Moreover, in his 2010 guidance note, “United Nations Approaches to Transitional Justice,” the Secretary-General notes that:

Gender inequality is one of the most pervasive forms of societal inequality and is often exacerbated by conflict and situations of gross human rights violations ... The social stigma and trauma associated with reporting [sexual violence] crimes and women’s exclusion from public decision making processes make it particularly challenging for women to engage with transitional justice mechanisms.”<sup>65</sup>

The need to include women in all aspects of post-conflict reconstruction and peacebuilding is a fundamental pillar of Security Council resolution 1325. In addition to fulfilling the democratic principles of inclusion and representation, involving women in the design of transitional justice programmes is simply good practice: it is not possible to design effective mechanisms for ben-

eficiaries without their input. Consultations can also serve as a tool of redress and empowerment in themselves: victimized populations are frequently those that were marginalized by past regimes, and inclusion can signal a new rights-based regime based on equal citizenship and rule of law. With regard to gender inequalities, specific consultations with women send a strong signal regarding the equal rights of all.

**...inclusion can signal a new rights-based regime based on equal citizenship and rule of law.**

Methods of consultation can include surveys, community meetings and focus groups. Ethical and security issues must, however, be taken into consideration, particularly where public consultations occur in the immediate aftermath of conflict. Measures to protect the confidentiality and security of participants should thus be put in place. Consultations should be held with women’s groups from all parts of the country and be representative of the different identities women hold, including socio-economic status, geographic location, ethnicity, religious affiliation and age. Efforts should also be made to reach out to those in remote locations where the impact of the conflict may have been most severely felt, for example in camps for the internally displaced.

Lastly, consultations should not just be isolated events; they must include follow-up processes when further decisions or policies are being considered. In Rwanda, for example, thousands of prisoners were released into communities ahead of the start of the Gacaca process<sup>66</sup> due to prison overcrowding and the need to respect due process. This decision did not, however, take into consideration the perspectives of women in the communities into which the primarily male prisoners were being released and reintegrated. Some women found themselves suddenly living in communities with men who had raped or killed loved ones, and who had yet to be held account-

able for their actions. Similarly, ongoing talks in the Islamic Republic of Afghanistan regarding a reintegration and reconciliation plan that will pay Taliban forces to return to their communities of origin risks perpetuating injustices for women on numerous levels; women's inclusion in any decisions related to reintegration and accountability is thus critical.

### **Institutional reform**

Institutions responsible for rights violations during periods of conflict or repression need to be reformed in order to rebuild trust between the state and its citizens and lay the foundations for sustainable peace. Institutional reforms have traditionally referred to the practice of ridding state institutions—in the justice and security sectors in particular—of past perpetrators of human rights violations, as well as enacting wider reforms, capacity-building and human rights training to ensure non-repetition.

Justice sector reform is particularly important in the immediate post-conflict period, when heightened insecurity and ongoing social and criminal violence continue to have a disproportionate impact on women, hampering their participation in governance and reconstruction efforts. Gender-sensitive reforms must address barriers to access, whether they be law- or policy-related (e.g., the absence of laws to criminalize domestic violence or rape in marriage) or context-related (e.g., lack of police sensitivity and awareness of their duties regarding violence against women, absence of legal aid, or courts based only in urban areas). Reforms should also include adopting quotas for increasing the number of women in the justice and security sectors. In Liberia, for example, there have been numerous attempts to include women in security sector reforms, including through the establishment of quotas for recruiting women and specialized education initiatives for female recruits. In numerous countries, dedicated units for women and children have been established in police stations to

strengthen access to justice.

Equally important are reforms in perspectives on security and the role of the security sector in the protection of all civilians. Partnering with UNIFEM, the Rwandan Defence Forces (RDF) embarked on a campaign to train several thousand military officers to understand, help prevent and respond to SGBV. In an example of innovative practice, the partnership furthered gender-sensitive security sector reform by assisting the RDF to rethink their conceptualization of security to include human security—more specifically to identify SGBV as a security threat and within this context address the RDF's role in preventing it.

Institutional reform must, however, move beyond the traditional focus on justice and security sectors to include reforms to redress past gender injustices more generally. This should include legislative audits, the repeal of gender-discriminatory legislation, and the adoption of legislation which advances women's rights and enacts special measures in the form of quotas and/or other measures to reverse past discrimination and marginalization. After the transition to democracy in South Africa, for example, the post-apartheid Government repealed all previously discriminatory legislation, adopted quotas for women's representation in Government and uses gender-responsive budgeting in key Government departments to ensure policies have a positive impact on redressing past imbalances.

# Conclusion: Delivering gender-sensitive transitional justice<sup>67</sup>

**In his 2010 report, “Women’s Participation in Peacebuilding,” the Secretary-General “calls on all actors to ensure that minimum standards of gender-responsiveness are established for truth commissions, reparations programs and related bodies.”<sup>68</sup>** This section of the present policy brief offers initial recommendations for ways to promote gender-responsiveness in two of the currently most common areas of transitional justice: truth-seeking and reparations. The recommendations address the three key areas of institutional reform identified earlier: normative, procedural and cultural.

## **Truth commissions:<sup>69</sup>**

### *Normative:*

- » Ensure that a commission’s mandate specifically identifies an imperative to address gender-specific crimes and is informed by a conflict-mapping exercise that documents the range of violations experienced by women. This should include the impacts of violations, the time periods in which they occurred, and the actors involved to ensure that the remit of the truth commission matches women’s need for justice;
- » Ensure that the design and mandate of the commission are informed by widespread national consultations, including specific consultations with women’s organizations;
- » Ensure that the communication and outreach process makes it widely known that women’s experiences of conflict are within the ambit of the truth-seeking body and should be reported.

*Procedural:*

- » Establish a specific gender unit from the start of the commission's mandate. It should be well staffed and resourced, have a mandate to conduct regular training and sensitization of all commission staff, and be empowered to ensure the mainstreaming of gender into all aspects of the commission's work, the conduct of specific gender activities (e.g., separate hearings for women) and the inclusion of a gender perspective in the final report (both dedicated chapters about women's experiences and mainstreamed throughout);
- » Address access barriers experienced by women by providing:
  - childcare facilities at truth commission hearings;
  - safe transportation;
  - language translation facilities;
  - adequate food and drink;
  - psychosocial support for women testifying—before, during, and after bearing witness—including dedicated accompanying support persons;
  - broader referral systems to ensure medical and social services for some witnesses—including mechanisms to deal with social backlash and family ostracism; and
  - provision of security to witnesses—including follow-up monitoring and response to protect those who testified from threats of violence or other retribution;
- » Offer support to women's organizations to work closely with the commission, ensure liaison between the commission and local women, encourage women's full participation, and manage expectations;
- » Make specific provisions, including separate facilities, to ensure confidentiality (through *in camera* hearings where needed), and to prevent stigmatization of witnesses;

- » Hold dedicated women's hearings; additionally, create alternative spaces should for women who do not wish to come forward to speak (e.g., community-level hearings that bring together women in peer groups to share their stories, and where desired, document these for the commission);
- » Conduct institutional hearings that address questions of gender inequalities and marginalization (e.g., legal hearings analyzing the lack of legal protection for female victims);
- » Establish timelines and benchmarks for follow-up processes so that the recommendations of the truth commission are effectively addressed: final report recommendations often provide a blueprint for a more equal and just society, including measures to advance gender equality, yet diminishing political will after a commission shuts its doors has prevented many recommendations from being implemented.

*Culture and attitudes:*

- » Ensure women are appointed as commissioners and at expert levels in the commission secretariat;
- » Ensure gender training for all truth commission staff, with regular follow-up to address challenges as they arise and to monitor gender mainstreaming; and
- » Integrate counseling support for staff and commissioners so that desensitization does not occur: this is damaging not only to the staff, but also to those they work with, and can affect staff members' ability to feel empathy and compassion.

## Reparations programmes:

### *Normative:*

- » Ensure that the formal mandate or remit of the reparations commission includes the imperative of providing redress for women's experience of conflict;
  - » Conduct research on the conditions of women prior to conflict as well as the range of women's experiences during conflict to ensure adequate knowledge of the types of violations experienced, and how this has affected women's current status and social position;
  - » Address specific violations with confidentiality and allow a flexible evidentiary standard (e.g., sexual violence); and
  - » Ensure that reparations are in proportion to the benefits provided to ex-combatants so that there is no impression that those involved in the violence benefit more than those who bore the brunt of it (in Bosnia and Herzegovina for example, the veterans' pension was revised in 2006 to provide a monthly pension for rape survivors of conflict; in Sierra Leone, the TRC recommended that in establishing pensions—recommended for amputees, children and women affected by the conflict—the size of the pensions be determined in relation to ex-combatant pensions and demobilization packages).
- » Consult women victims and women's support and advocacy networks when developing reparations measures; those consulted should reflect the full range of women's identities in society, particularly those most affected by the conflict: the Nairobi Declaration identifies the participation of women in the design of these programmes to be a form of reparation in itself, in that it establishes new power relations and acknowledges equal citizenship and rights;
  - » Take steps not to replicate gender-biased hierarchies, but rather to unseat them (Morocco's experience of providing new criteria for equal distribution of benefits within families is one positive example in this regard);
  - » Include measures to address the consequences of the harm (e.g., in Sierra Leone, victims of sexual violence were given access to fistula surgery as a component of the reparations programme);
  - » Supplement individual reparations with collective measures that can address the more systemic forms of inequality in society (Morocco and Peru are just two countries setting a positive example with the use of collective reparations);
  - » Make provisions for open lists to allow victims who did not come forward initially to have more time to submit statements and qualify as beneficiaries; this is particularly important in the case of sexual violence where victims may not feel comfortable coming forward to identify themselves as victims; and
  - » Make specific provision for symbolic reparations and memorial initiatives that address women's role in history.

### *Procedural:*

- » Minimize the factors that might affect women's access to reparations, including, inter alia: access to bank accounts, ability to travel to register as a beneficiary, access to formal documents (e.g., marriage certificates, death certificates), the challenges of burden of proof in cases of sexual violence (especially in a context of stigma), personal security, and language barriers;

## Endnotes

- 1 United Nations Security Council, "Report of the Secretary-General: The rule of law and transitional justice in conflict and post-conflict societies," S/2004/616, 23 August 2004. This report includes in its recommendations that transitional justice measures "recognize the differential impact of conflict and rule of law deficits on women and children and the need to ensure gender sensitivity in restoration of rule of law and transitional justice, as well as the need to ensure the full participation of women."
- 2 United Nations, "Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice," March 2010, [http://www.unrol.org/files/TJ\\_Guidance\\_Note\\_March\\_2010FINAL.pdf](http://www.unrol.org/files/TJ_Guidance_Note_March_2010FINAL.pdf). The United Nations Development Fund for Women (UNIFEM; part of UN Women) will be developing guidance notes on specific aspects of transitional justice, in particular truth-seeking and reparations, that will further develop the overview provided here.
- 3 UN Security Council, "Report of the Secretary-General: The rule of law and transitional justice in conflict and post-conflict societies," S/2004/616. Disarmament, demobilization and reintegration (DDR) programmes overlap and are sometimes considered to fall within the ambit of transitional justice. While these programmes hold importance both for female combatants, who have historically been excluded from the design of DDR programmes, and for women in the families and communities in which the former combatants are reintegrated, DDR is not covered in this brief.
- 4 United Nations, "Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice." (March 2010).
- 5 Kofi Annan, Secretary-General's remarks on International Women's Day, New York, 8 March 2006, available online: <http://www.un.org/apps/sg/sgstats.asp?nid=1946>.
- 6 Christine Chinkin, "The Protection of Economic, Social and Cultural Rights Post-Conflict," Report commissioned by the Office of the High Commissioner for Human Rights (OHCHR), available at: [http://www2.ohchr.org/english/issues/women/docs/Paper\\_Protection\\_ESCR.pdf](http://www2.ohchr.org/english/issues/women/docs/Paper_Protection_ESCR.pdf).
- 7 Navanethem Pillay, United Nations High Commissioner for Human Rights, address delivered at the expert dialogue on the United Nations Approach to Transitional Justice, New York, 2 December 2009.
- 8 Transformative justice includes within its ambit root causes, and necessitates that the context which gave rise to the incident is "included in the search for understanding, healing and a better future," seeking "to effect change on a structural level while helping those whose lives were affected by interpersonal harm." Dennis Sullivan and Larry Tift, *Handbook of Restorative Justice: A Global Perspective*, New York: Routledge, 2006.
- 9 UNIFEM, *Progress of the World's Women 2008/2009: Who Answers to Women? Gender and Accountability*, New York: UNIFEM, 2009, available online: [http://www.unifem.org/progress/2008/media/POWW08\\_Report\\_Full\\_Text.pdf](http://www.unifem.org/progress/2008/media/POWW08_Report_Full_Text.pdf).

- 10 Rome Statute of the International Criminal Court, art. 7(1), 17 July 1998, A/CONF.183/9.
- 11 Preparatory Commission for the International Criminal Court, "Report of the Preparatory Commission for the International Criminal Court, Addendum, Part II, Finalized draft text of the Elements of Crimes," PCNICC/2000/1/Add.2, 2 November 2000.
- 12 Binaifer Nowrojee, "'Your Justice is Too Slow' Will the ICTR Fail Rwanda's Rape Victims?" United Nations Research Institute for Social Development (UNRISD), Occasional Paper 10, November 2005. Akayesu, a former mayor, was convicted by a unanimous verdict on nine counts: genocide, direct and public incitement to commit genocide, and crimes against humanity, including extermination, murder, torture and rape (Prosecutor v. Jean-Paul Akayesu, Judgement, ICTR-96-4-T, 2 September 1998). Most importantly, the Trial Chamber found that the systematic rape of Tutsi women encouraged by Akayesu constituted genocide. For further details see, UNIFEM, "Gender and Transitional Justice Programming: A Review of Experiences from Peru, Sierra Leone and Rwanda," 2010 (included in this collection).
- 13 Prosecutor v. Jean-Paul Akayesu, ¶ 598.
- 14 UNIFEM, "Gender and Transitional Justice Programming."
- 15 Sourced from the websites of the courts.
- 16 Prosecutor v. Sylvestre Gacumbitsi, Trial Judgement, ICTR-2001-64, 17 June 2004.
- 17 Prosecutor v. Hazim Delic, Esad Landžo, Zdravko Mucic & Zejnil Delalic, Trial Judgement, IT-96-21-T, 16 November 1998).
- 18 Prosecutor v. Anto Furundžija, Trial Judgement, IT-95-17/1-T, 10 December 1998.
- 19 Prosecutor v. Dragoljub Kunarac, Radomir Kovac & Zoran Vukovi , IT-96-23-PT & IT-96-23/1-PT, Trial Judgement, 22 February 2001.
- 20 The Special Court was also groundbreaking in that it arranged and paid for critical health procedures such as fistula repair for women survivors in order to assist them to give testimony.
- 21 Prosecutor v. Sesay, Kallon and Gbao (RUF Case), Trial Chamber Judgement, 25 February 2009, ¶¶ 2306 and 2307.
- 22 Nowrojee, "'Your Justice is Too Slow.'"
- 23 The Women's Initiatives for Gender Justice annual 'Gender Report Card' on the ICC is one example of an innovative measure to monitor and encourage increased women's representation in all spheres of the Court's work. See <http://www.iccwomen.org/>
- 24 Helen Scanlon and Kelli Muddell, "Gender and transitional justice in Africa: Progress and prospects," *African Journal on Conflict Resolution* 9, No. 2 (2009): 9–28.
- 25 Preparatory Commission for the International Criminal Court, "Report of the Preparatory Commission for the International Criminal Court, Addendum, Part I, Finalized draft text of the Rules of Procedure and Evidence," PCNICC/2000/1/Add.1, 2 November 2000, Rule 16(1)(d).
- 26 Informal justice institutions comprise a wide range of forums with varying degrees of formality and relationship to the State. They include, at one end of the continuum, community-based justice structures with no relationship to the State. At the formalized end of the continuum are quasi-State bodies that are mandated to apply customary or traditional justice norms. According to the United Kingdom's Department for International Development (DFID), "[i]n many developing countries, traditional or customary legal systems account for 80% of total cases." Department for International Development, "DFID Policy Statement on Safety, Security and Accessible Justice 7," 2000, <http://www.dfid.gov.uk/Pubs/files/policy-safety.pdf>.
- 27 See UNIFEM, "Gender and Transitional Justice Programming."
- 28 Celestine Nyamu-Musembi, "For or Against Gender Equality? Evaluating the Post-Cold War 'Rule of Law' Reforms in Sub-Saharan Africa," Occasional Paper 7, UNRISD, 2005.
- 29 According to the Human Rights Committee General Comment 32 on Fair Trials, these forums should not be used to deal with serious crimes. A joint study by the United Nations Development Programme (UNDP), the United Nations Development Fund for Children (UNICEF) and UNIFEM on informal justice systems is currently analyzing the characteristics of these mechanisms across all regions to inform a coherent approach that would strengthen their ability to deliver justice in line with international law and human rights.
- 30 Priscilla B. Hayner, "Fifteen Truth Commissions—1974 to 1994: A Comparative Study," *Human Rights Quarterly* 16, No. 4 (1994): 597–655.
- 31 Office of the United Nations High Commissioner for Human Rights, "Rule-of-Law Tools for Post-Conflict States: Truth commissions," New York: United Nations, 2006.
- 32 Data compiled from the United States Institute of Peace Truth Commissions Digital Collection; Priscilla Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd ed., New York: Routledge, 2010; media sources and personal communications. The numbers reflect original appointments; some, such as Kenya and Serbia and Montenegro, were affected by resignations; others were expanded during their mandate period.
- 33 World Bank, *Gender, Justice and Truth Commissions*, June 2006, available online: <http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/GJTClayoutrevised.pdf>.
- 34 Sierra Leone TRC, "Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission," (2004) ch 2: 105
- 35 "Witness to Truth" ch. 2: 100
- 36 "Witness to Truth" ch. 2: 169

- 37 The International Commission of Inquiry was appointed by the Secretary-General pursuant to Commission resolution S-4/1, adopted at its special session on the East Timor section of the “Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2000/45: Violence against women perpetrated and/or condoned by the State during times of armed conflict (1997–2000),” E/CN.4/2001/73, ¶ 79–81. In Guatemala 1,465 sexual violence crimes were reported to the truth commission; in South Africa there were 158 cases reported by women.
- 38 World Health Organization, *Sexual Gender-Based Violence and Health Facility Needs Assessment (Lofa, Nimba, Grand Gedeh and Grand Bassa) Liberia*, September 2005, available online [http://www.who.int/hac/crises/lbr/Liberia\\_RESULTS\\_AND\\_DISCUSSION13.pdf](http://www.who.int/hac/crises/lbr/Liberia_RESULTS_AND_DISCUSSION13.pdf)
- 39 Vasuki Nesiiah, “Gender and Truth Commission Mandates,” presentation given at Open Society Institute Forum—Gender and Transitional Justice: Pursuing Justice and Accountability in Post-Conflict Situations, New York, 7 February 2006, available online: <http://www.ictj.org/static/Gender/0602.GenderTRC.eng.pdf>.
- 40 CAVR, “Chega! The Report of the Commission for Reception, Truth, and Reconciliation Timor-Leste,” 2005, ch. 7.7: 108.
- 41 “Chega!” ch. 7.7: 104
- 42 World Bank, *Gender, Justice, and Truth Commissions*, 28.
- 43 Kingdom of Morocco, *The Moroccan Equity and Reconciliation Commission Three-part Summary of the Final Report* (2005), available online at <http://www.ictj.org/static/MENA/Morocco/IERreport.findingssummary.eng.pdf>
- 44 Kelli Muddell, “Limitations and Opportunities of Reparations for Women’s Empowerment,” Briefing Note, ICTJ, 2009.
- 45 International Commission of Inquiry on Darfur, “Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, Pursuant to Security Council Resolution 1564 of 18 September 2004,” Geneva, 25 January 2005, ¶ 360.
- 46 UNIFEM provided funding to support the Tribunal de Conciencia, including for simultaneous translation in seven languages—Spanish, English and five local, indigenous languages—to ensure the participation of women from all backgrounds. Issues of language can pose serious obstacles to the participation of women from marginalized groups.
- 47 Available at [http://www.womensrightscoalition.org/site/reparation/signature\\_en.php](http://www.womensrightscoalition.org/site/reparation/signature_en.php).
- 48 United Nations General Assembly resolution 60/147, “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law And Serious Violations of International Humanitarian Law,” A/RES/60/147, 16 December 2005.
- 49 Reparations can be provided through a court order or a State-administered programme, often linked to the recommendations of a truth commission. This section deals only with administrative programmes, which are more common in transitioning societies and which, because of their scope and larger numbers, hold more potential for a greater universe of beneficiaries.
- 50 Nahla Valji, “Gender Justice and Reconciliation,” in *Building a Future on Peace and Justice: Studies on Transitional Justice, Peace and Development; The Nuremberg Declaration on Peace and Justice*, eds. Kai Ambos, Judith Large, and Marieke Wierda, 217–216, Berlin: Springer Publications, 2009. Similar situations have arisen with the disbursement of court-mandated reparations payments for sexual violence cases in the Democratic Republic of the Congo and the Republic of Afghanistan.
- 51 The scarcity of sex-disaggregated data on reparations programmes will no longer be an issue in future. The Secretary-General’s Annual Report on Security Council resolution 1325 (2000) for 2010 establishes 26 indicators for member states and the UN to monitor the implementation of key elements of the resolution at a global level. One indicator is dedicated to tracking the percentage of resources distributed through reparations programmes that benefit women.
- 52 Galuh Wandita, Karen Campbell-Nelson and Manuela Leong Pereira, “Learning to Engender Reparations in Timor-Leste: Reaching Out to Female Victims,” in *What happened to the Women? Gender and Reparations for Human Rights Violations*, ed. Ruth Rubio-Marín, New York: Social Science Research Council, 2006.
- 53 Mohamad Suma and Cristián Correa, “Report and Proposals for the Implementation of Reparations in Sierra Leone,” ICTJ, 2009.
- 54 Of a total of 42,300 direct beneficiaries. The Trust Fund for Victims, “Recognizing Victims & Building Capacity in Transitional Societies: Spring 2010 Programme Progress Report,” 2010.
- 55 For a detailed exploration of the concept of collective reparations and their use in a number of contexts, see International Centre for Transitional Justice, “The Rabat Report: The Concept and Challenges of Collective Reparations,” ICTJ, 2010.
- 56 The Trust Fund for Victims “Recognizing Victims.”
- 57 Because of the overlaps with development and humanitarian aid, collective reparations measures must incorporate acknowledgement and redress of identified violations if they are to have reparative value.
- 58 Brandon Hamber and Ingrid Palmay, “Gender, Memorialization, and Symbolic Reparations,” in *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, ed. Ruth Rubio-Marín, New York: Cambridge University Press, 2009. A cultural or localized approach should also be adopted so that women themselves are able to inform what symbolic measures would carry significance and meaning for them.



- 59 Dr. Ernest Bai Koroma, Statement made on International Women's Day, 27 March 2010, [http://www.statehouse.gov.sl/index.php?option=com\\_content&view=article&id=110%3Astatement-by-his-excellency-dr-ernest-bai-koroma-on-international-womens-d-ay-27-march-2010-courtesies&catid=34%3Ademo-category&Itemid=92](http://www.statehouse.gov.sl/index.php?option=com_content&view=article&id=110%3Astatement-by-his-excellency-dr-ernest-bai-koroma-on-international-womens-d-ay-27-march-2010-courtesies&catid=34%3Ademo-category&Itemid=92).
- 60 UNIFEM will be hosting an international conference in 2010 to explore the positive relationship between reparations, gender justice and development. The conference will inform a policy brief to be developed in 2011 to provide additional guidance on policy development in this area.
- 61 United Nations Office of the High Commissioner for Human Rights, "Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo," A/HRC/14/22, 19 April 2010.
- 62 United Nations Security Council, "Report of the Secretary-General: The rule of law and transitional justice in conflict and post-conflict societies."
- 63 United Nations Office of the High Commissioner for Human Rights, "Rule-of-law Tools for Post-conflict States: National Consultations on Transitional Justice," HR/PUB/09/2 (2009).
- 64 The 2004 report notes that one of the key added values that the United Nations can bring to national transitional justice processes is to promote the participation of women and traditionally excluded groups.
- 65 United Nations, "Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice," 5.
- 66 Traditional dispute resolution forums that were revised into community-based courts which tried the vast majority of genocide-related cases. See UNIFEM, "Gender and Transitional Justice Programming," (included in this collection).
- 67 The UNIFEM Governance, Peace and Security section, in partnership with the UNDP Bureau for Crisis Prevention and Recovery, has piloted a global programme to support gender equality in transitional justice processes and to develop strategies for the integration of a women's human rights perspective into various transitional justice mechanisms, including truth commissions, criminal prosecutions, traditional justice and/or reconciliation mechanisms, institutional reform and reparations. The programme supports country offices in formulating effective strategies to support women's engagement with transitional justice processes that link to longer-term rule of law recovery and justice sector reform programmes, as well as consultations with the wider UN system to ensure complementarity of efforts.
- 68 A/65/354-S/2010/466
- 69 The recommendations provided here are selective and are intended to provide examples of good practice. For more comprehensive guidance, see Nesiah, "Gender and Truth Commission Mandates."



Gender and Transitional Justice Programming

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PEACE**

United Nations  
Development Fund for Women  
**UNIFEM**  
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# Gender and Transitional Justice Programming: A Review of Peru, Sierra Leone and Rwanda

On the cover: Villagers in Kenema, Sierra Leone, await the return of family members and friends who have been living as refugees in a Liberian refugee camp, Camp David in Western Liberia for more than a decade. 05 October 2006, Kenema, Sierra Leone.

**The document was written by Nahla Valji**  
**based on background documents provided by**  
**Julissa Mantilla (Peru) and Anu Pillay**  
**(Sierra Leone).**

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# Introduction

## Background to country reviews

The United Nations Development Fund for Women (UNIFEM) has reviewed its past support to transitional justice processes in a select group of countries to assess the effectiveness of programming and draw lessons for the development of a more coordinated, coherent and systematic approach. The objective is to design and support strategies for the integration of a women's human rights perspective into various transitional justice mechanisms; including truth commissions, criminal prosecutions, traditional/local justice and reconciliation mechanisms, institutional reform and reparations.

The three country studies in this review—the Republic of Sierra Leone, the Republic of Rwanda, and the Republic of Peru—were selected because each presents a unique opportunity to extract lessons and best practice with regard to securing gender justice in the wake of armed conflict. The goal of the review exercise is to inform the institutional response by all actors engaged in justice and reconstruction efforts in these countries.

The briefs included here summarize more in-depth research reports conducted for each of the three countries. Each country study is structured to include information on: the position of women prior to the main political conflict; the situation of women in the post-conflict period, which illustrates the impact of the conflict and need for redress; the key transitional justice mechanisms employed and their effectiveness in addressing women's experiences of violations during the conflict; UNIFEM programming in the country; and recommendations for future programming.

The focus is primarily on women's experiences of sexual gender-based violence (SGBV) during armed conflict and ways women have been able to access justice for these crimes, whether through prosecutions in the formal justice system, accountability through truth commissions, or reparative justice. This review is not intended to be a complete analysis of gender justice, which would entail a much broader assessment. Nor should it be read to suggest that women are always or only victims in conflict and that their needs for redress are limited to justice for crimes of a sexual nature. The world over, however, we have seen armed actors employ sexual violence as a tactic and weapon of war—informed in no small part by the confidence that such crimes will be met with wholesale impunity at every level. While access to justice for sexual violence crimes is not the whole picture and will not deliver the transformative reforms necessary to redress the inequality, gendered norms and power differentials that lead to and exacerbate women's vulnerability in conflict, it is an important component of broader gender justice goals. Justice for sexual violence during armed conflict is also

a critical international peace and security issue, as reflected in United Nations Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009).

Each of the country studies, as well as note entitled 'A window of opportunity? Making transitional justice work for women', included in this collection, speaks to the limits of the formal justice process and the need for prosecutorial justice to be only one part—albeit a critical part—of the overall gender justice strategy in the post-conflict period. A comprehensive gender justice approach will not simply add women to existing processes or ensure justice for those crimes committed against women during conflict. Important, and indeed central, as these elements are, they must be part of a broader gender justice strategy that includes peacebuilding, an understanding of the multiple identities of women and the gendered nature of conflict, institutional and legislative reforms, gendering of strategies for disarmament, demobilization and reintegration (DDR) and security sector reform, strategies to prevent and redress continuities of violence in the post-conflict period, access to services, human security and social justice.

The methodology used for the three country studies combined literature reviews, in-country research, site visits to ongoing transitional justice mechanisms, and interviews with civil society practitioners, UNIFEM staff, government officials and those affected by the conflict.

In all three countries, despite their varied geographic locations, unique histories, and varied conflict types, there are commonalities with regard to women's experiences. These commonalities include:

- » the unequal status of women pre-conflict;
- » the use of sexual violence as a deliberate strategy by parties to armed conflict;
- » the widespread nature of sexual violence during the conflict;

- » the intersection of gender with other identities, including race, ethnicity, geographical location and language spoken, which informs the extent and impact of the violations;
- » the generalized impunity that surrounds crimes against women in general and conflict-era sexual violence against women in particular;
- » the absence of resources available to institutions that deal with justice for conflict-era SGBV;
- » the stigma and underreporting that accompany these crimes;
- » lack of access to justice for women due not to inadequate policy, but rather to the absence of substantive measures to ensure that justice processes meet the needs of women victims; and
- » the critical role played by the international community and international agencies in reconstruction and justice processes.

A further commonality is that where women's experiences have been addressed through transitional justice measures, they have generally been 'added' to the agenda as an afterthought; nowhere has there been an a priori rethinking of existing justice mechanisms to further gender sensitivity or appropriateness, or to improve their ability to deal with the specific needs of women victims. Nor has there been an appreciation of the need to further gender justice as a central goal of these mechanisms.

A wider, more encompassing understanding of gender justice as put forward by UNIFEM is that it should go beyond courtroom justice for past crimes against women and girls to include equitable treatment and participation for women in all aspects of post-conflict reconstruction: the negotiation of peace agreements, the planning and implementation of UN peace operations, the creation and administration of new governments, the revival and growth of the economy, and the promotion of human security for citizens. The relationship between poverty, violence, sustainable

peace and justice, and the ongoing insecurity endured by women in the post-conflict period all point to the need for a holistic and integrated response to justice, peacebuilding, and post-conflict development—a response that thoroughly integrates gender sensitivity and response to the needs of women.

# Peru

## Background

Internal conflict broke out in Peru in 1980, initiated by a Maoist guerrilla group known as the Shining Path. The group's use of the rural areas as its base, the intersection of historical race and class identities, and the military's treatment of all indigenous peasants as potential 'terrorists' ensured that the worst violence of the war was concentrated in the Andean highlands and affected a population that was disproportionately indigenous, poor and marginalized. Described as one of the most violent conflicts in the Latin American region, more than 69,000 people are believed to have died at the hands of State security forces, local paramilitary defence groups and the main insurgent groups. Crimes committed by all sides during this period (1980–2000) included forced disappearances, torture, arbitrary executions, kidnappings, mass forced displacement and widespread sexual violence.

## The gendered nature and impact of the conflict

The Peru Truth and Reconciliation Commission (PTRC) (2001–2003) found that rape had been used on a mass scale as a weapon of war and that perpetrators primarily targeted those women who were the most vulnerable in society due to their race, class and age. Also targeted were women searching for their missing relatives; women who had any kind of relationship to armed actors in the conflict (e.g., spouses, partners, relatives); women suspected of being subversives; and women who denounced human rights violations.<sup>1</sup> The main perpetrators of the sexual violence were agents of the State—in particular the police and the military—who were found responsible by the PTRC for 83 per cent of the acts of sexual violence perpetrated during the conflict.<sup>2</sup>

The use of rape and sexual violence during the war in Peru has been described as “magnification of existing institutionalized and normative violence against women”<sup>3</sup> that existed prior to the conflict. For example, until 1997 Peruvian law allowed for an exemption from prosecution for rapists who married their victims. This ‘domestication of rape’ ensured that there was little access to either justice or protection for women. It was informed by a response to rape that was solely focused on “salvaging the woman’s honour.”<sup>4</sup> Such assumptions and practices underlay the use of sexual violence during the conflict, which was then exacerbated by multiple other hierarchies, including race, location and language. In other words, the use of mass rape was informed not just by gendered norms and hierarchies, but also by a racial othering that portrayed indigenous women as ‘lesser’ human beings.<sup>5</sup>

In addition to the direct violence of the conflict, women's experience of this period was characterized by the broad impact of that violence on their daily lives: the scarcity of food; the disrupt-

tion of education for their children; the mass displacement of entire communities; the difficulties of navigating daily life without husbands who had fled to safety, been killed or become separated from their families by the conflict; and the disproportionate burden on women of searching for the dead and disappeared. As with all wars, the gendered consequences of the conflict were far-reaching because of women's social status and responsibilities.<sup>6</sup>

The final report of the PTRC noted that while inequality and discrimination persisted for women during the armed conflict, gender roles shifted for some during this period. Some women assumed greater or different responsibilities for their families, some took on leadership roles in the insurgency groups, and others played a key role in peace and democracy organizations.<sup>7</sup>

In this regard the Commission's final report is useful in that it moves beyond a focus on women solely as victims of sexual violence in conflict—a weakness in the work of past commissions—and analyzes the new roles assumed by men and women during the conflict as well as their impact on the country's economy. The ability to integrate a more holistic gendered analysis was, however, hampered by a lack of resources and the late incorporation of a gender perspective into the Commission's work.<sup>8</sup>

### **Women's justice needs post-conflict**

In its key conclusion on the topic of sexual violence, the PTRC noted that sexual violence against women was a widespread practice by State agents during massacres, summary executions and other organized actions of the army and police. Additionally, the Commission concluded that rape was a systematic and persistent violation that took place in a broader context of generalized violence. This is a particularly important finding, as it has implications for victims' ability to secure justice for these crimes.

As sexual violence constitutes a crime against humanity when committed as part of a widespread or systematic attack directed against a civilian population, the PTRC's findings open the possibility for crimes of sexual violence to be prosecuted as violations of international law.

To address and overcome the gendered social and economic impact of the conflict on women's lives, however, post-conflict justice efforts must include far-reaching legislative and institutional reforms, as well as targeted social justice programmes.

### **Transitional justice mechanisms employed**

#### *The Peruvian Truth and Reconciliation Commission*

The key transitional justice mechanism employed in Peru was PTRC, established in 2001. The Commission was mandated to investigate and make public the facts related to the political violence that took place between 1980 and 2000, elucidate the responsibility of the various armed actors, and offer recommendations for reparations and institutional reforms.

The decree that created the PTRC did not explicitly include either a gendered approach or mention of sexual violence crimes. Once the Commission was established, and before it launched operations, Commissioners and staff took some months to discuss and plan how to interpret the mandate. Following a process of internal dialogue and external pressure by key women's rights activists, the Commission agreed on the need to include women's experiences of the conflict as a specific area of work.

The PTRC Gender Unit was created to ensure that a gender perspective would inform the Commission's work. The Gender Unit was specifically tasked to ensure that the Commission was equipped to document crimes of a sexual nature. Training documents were thus developed that addressed reaching out to sexual violence victims during investigations, communication strategies,



conducting interviews in the country's rural areas, and guidelines for interviewers. The PTRC also organized a public hearing on women's human rights, and its final report devoted individual chapters to a gendered analysis of the conflict and the use of sexual violence against women.<sup>9</sup>

The experiences and lessons of earlier truth commissions—in particular those in South Africa and Guatemala—were incorporated into PTRC planning. Importantly, in a reflection of evolving international norms, the PTRC employed a broad definition of sexual violence, noting that it “includes forced prostitution, forced unions, sexual slavery, forced abortions, and forced nudity.”<sup>10</sup>

Among the key challenges the PTRC faced in its efforts to promote gender justice through its processes and outcomes was the dearth of existing information regarding cases of sexual violence during the conflict. This was compounded by the fact that women did not speak of sexual violence crimes in the first person, due partly to victims' feelings of guilt and shame and partly to the erroneous belief that these are not human rights violations, but rather ‘collateral damage’ of war. The Commission's final report thus acknowledges both the statistical underrepresentation of sexual violence cases and its reliance on third-person testimony as well as qualitative and anecdotal evidence to draw conclusions regarding the use of sexual violence during the conflict.

Another, more general, challenge was the lack of an appropriate budget to support the activities of the Gender Unit, since it had not been part of the original plan for the PTRC. This was a key limitation and made the Unit reliant on the work plans of other areas of the Commission or the pursuit of limited-expense activities.

### Criminal prosecutions

Ultimately, the PTRC presented only two cases on sexual violence to the national prosecutor's office. The first, the *Magdalena Monteza* case,

involved a student detainee who became pregnant after being tortured and repeatedly raped by military officials. The case was ‘temporarily’ closed by the prosecutor because the rapist could not be identified. The second, the *Manta* and *Vilca* case, deals with systematic sexual violence against women from Huancavelica, where the military was active in 1984 (Vilca) and in 1998 (Manta). The PTRC had concluded “that sexual violence against women in the districts of Manta and Vilca was persistently and repeatedly committed by military forces stationed in the counterinsurgency bases in the area.”<sup>11</sup> In October 2007, the prosecutor filed charges against nine ex-members of the army for sexual violence under the crime of torture. This was the first sexual violence case to be pursued as a crime against humanity in Peru.

### The National Council of Reparations

The final report of the PTRC includes a comprehensive plan of reparations (PIR) for victims of the violence. The objective of the PIR is to “repair and compensate victims of human rights violations” and to assist with the “social, moral and material losses or damages suffered by victims as a result of the internal armed conflict.”<sup>12</sup>

The Commission recognized the importance of a gender perspective in the PIR as well as the need for equal participation of men and women in its implementation. Among its key recommendations were: to give appropriate recognition to women who had assumed leadership roles during the armed conflict; to identify women's needs with regard to health care as a form of reparation; and to identify the impact of violence on families and relationships and establish programmes to address this.

The report itself highlighted the abuses and crimes committed against women, an important step for ensuring that women benefit from reparations.

In 2005, the National Council for Reparations was established to create a register of victims of the armed conflict.<sup>13</sup> Like the PTRC, the National Council for Reparations encountered numerous difficulties in collecting information on sexual violence crimes and identifying victims, and therefore beneficiaries. One obstacle has been the reluctance of women themselves to identify themselves as victims of human rights abuses so they can claim reparations: Some women have stayed silent due to fear of social condemnation by their community, feelings of guilt, or cultural norms that prevent them from speaking out. Others have since married, and their husbands do not know that they were raped. A further obstacle to providing redress to the full group of victims is that rape was the only act of sexual violence identified as eligible for reparations through the PIR.<sup>14</sup> This is problematic, as “other forms of [sexual violence], such as sexual slavery, forced marriage and forced abortion...account for the majority of cases of [sexual violence] during the period covered by the Commission.”<sup>15</sup>

With regard to specific forms of redress for survivors of rape, the PTRC proposed that eligible victims receive financial and symbolic reparations as well as specific access to health, housing and education. Children born as a result of rape are considered indirect victims and are entitled to education, health, housing and symbolic reparations. Victims and their children may also be the beneficiaries of collective reparations.

### **Outstanding justice needs for women**

While the gender-responsiveness of the PTRC and the PIR represent significant progress, impunity continues to surround conflict-era sexual violence crimes. The PTRC found no evidence of criminal prosecutions for these crimes during the conflict, and by the time of writing, not a single conviction had yet been secured in the post-conflict period. According to one analyst, investigations in the handful of sexual violence

cases currently with the prosecutor have been “exasperatingly slow and inadequate,” and it would appear that “there is a lack of interest in pursuing such cases.”<sup>16</sup> Even in those cases that are before the courts, few victims can afford adequate legal assistance. This is in sharp contrast to the accused, in particular army officers, who are funded by the State and represented by private legal firms.

The inaccessibility of the justice system and unresponsiveness on the part of the authorities has meant that many women are reluctant even to file complaints. Their reluctance is also informed by the same conditions that prevented women from coming forward to the PTRC or being identified for reparations, and include in particular issues of stigma.

Moreover, the lack of justice for past crimes against women is compounded by impunity for present-day violence and violations. As one writer notes, men are “once again in charge of newly installed institutions of justice,”<sup>17</sup> and violence against women is simply not a priority. Women’s access to justice thus continues to be a distant goal.

### **The situation of women in Peru today**

As has been observed in other post-conflict societies, levels of violence against women in Peru, in particular sexual violence and domestic abuse, continue to be high. Femicide, the killing of women by an intimate partner, has also become more prevalent. During January 2009 alone, 23 women were reported murdered by their intimate partner, while an average of 15 women per month were killed in 2008 in the same manner.<sup>18</sup>

Post-conflict continuities in violence against women are fed by the norms that inform such violence, the shame and stigma that surround it, and the social acceptance of and impunity for the crimes.

In drawing parallels between the Manta and Vilca cases and current abuses, one writer observes: “One thing to note about the *Manta* and Vilca case is that community support for the victims has not been unanimous, in contrast to the reaction in other types of human rights violations like forced disappearance, extrajudicial executions, etc. The reason is linked to a series of cultural factors: on the one hand, the victims are women, and women in rural areas in Peru are less powerful than men. On the other hand, even though men deny this, what the soldiers did to women in the community twenty years ago is still being done by members of the community itself today, which makes it difficult to condemn.”<sup>19</sup>

### **UN support to transitional justice initiatives in Peru**

International agencies and the UN have played an important support and partnership role with the PTRC in particular. This relationship was led by the United Nations Development Programme (UNDP) as the primary UN agency partner. Through an agreement with the Presidency of the Ministry Council of Peru, UNDP provided technical, financial and professional assistance to the PTRC. The agency also assumed the obligation of managing and receiving funds contributed by other international donors.<sup>20</sup>

The Office of the High Commissioner for Human Rights (OHCHR) offered technical support to the Commission, in particular to strengthen the skills of the PTRC in the areas of mental health, database analysis, interviewing techniques, mainstreaming indigenous rights, forensic skills and the development of a reparations programme for victims. OHCHR also supported the Commission to incorporate a gender perspective in their work.

International cooperation and funding, while vital to the PTRC overall, were especially important in supporting the work of the Gender Unit which, as noted above, did not have a dedicated budget for its activities.

UNDP and others have continued to support government activities related to peacebuilding, collective reparations and national reconciliation. UNDP is also supporting the work of the Special Prosecutor’s Office for Forced Disappearances, Arbitrary Executions, and Exhumations.

Additionally, international agencies had a role in the creation of the Centre of Information for the Collective Memory of Human Rights, located in the Ombudsman’s Office. This Centre is part of a general process for implementing measures related to memory and truth and ensuring the dissemination of the PTRC’s final report. It also houses the files of the Commission.

### **UNIFEM programming, partners and impact**

While UNIFEM did not directly support the PTRC, it did support the work of women’s organizations dealing with issues related to sexual violence during the conflict as well as those seeking to follow up and implement the recommendations of the Commission with regard to sexual violence crimes. In this regard, UNIFEM supported the work of *Comisión de Derechos Humanos* (COMISEDH), a Peruvian non-governmental organization (NGO) dedicated to human rights and working on issues of sexual violence against women in Ayacucho, one of the regions worst affected by the conflict. Other civil society partners include *Estudio para la Defensa de los Derechos de la Mujer* (DEMUS), a women’s NGO that received funding through a grant from the UN Trust Fund in Support of Actions to Eliminate Violence against Women. The project aimed to address the absence of legal provisions and the lack of political will to implement the recommendations of the PTRC on gender-based violence. The

activities of the project included capacity-building for judges and prosecutors and awareness-raising for women in Manta and Vilca of the gender provisions of the PTRC report and of available gender-based violence resources and services. It also initiated public debates on the link between gender-based violence and armed conflict, and its continuum to peace time.<sup>21</sup>

### **Recommendations and ways forward**

**Reparations:** The National Council for Reparations is elaborating the list of victims eligible for reparations and establishing the methodological tools to be used to register victims of sexual violence. Although the Council is developing important efforts in this area, it would benefit enormously from international experiences and expertise.

**Legal reform process:** A draft law has been presented to Congress that recognizes widespread sexual violence as a crime against humanity. NGOs and academics are leading the discussions. Technical information and experiences from other countries are needed to enrich this process.

**Judicial process:** While few sexual violence cases have been taken forward by the justice system, training and support for judicial authorities is needed. National workshops and training sessions for judicial authorities involved in these cases on gender and women's human rights would support more effective prosecutions.

**Peacebuilding:** Although the political armed conflict is over, peacetime violence—characterized as social or criminal violence rather than political—remains a major issue in Peru. Support is needed to build women's capacity to participate in post-conflict public decision-making and prevention of violence in all forms.

## Sierra Leone

### **Background**

In 1991, the Revolutionary United Front (RUF), led by a former corporal in the Sierra Leone Army, invaded Sierra Leone from Liberia sparking a decade-long conflict. Hallmarks of the RUF's brutal campaign included mutilations, amputations, abduction of children into their forces and widespread sexual violence. The Sierra Leone Army, in fighting the RUF, equally became complicit in atrocities against the civilian population. Subjected to attacks from all sides, civilians in many areas organized themselves into pro-Government militias known as Civil Defence Forces (CDF). The CDFs were supported by the Government, which provided them with both resources and weapons. A peace accord was eventually concluded in Lomé in 1999, and UN peacekeepers were brought to Sierra Leone to operationalize the agreement. Sporadic violence continued, however, until the official end of the conflict in 2002.

### **The situation of women pre-conflict**

In Sierra Leone, stark gendered inequalities existed even prior to the conflict. The country's truth commission was the first of its kind to explicitly make the link in its findings between gender inequality before the conflict and the gendered nature of the violations during the conflict.<sup>22</sup>

Key indicators of women's pre-conflict status include:

- » Vast underrepresentation of women in the traditionally male-dominated political and socio-economic decision-making structures of the country;

- » Denial of basic rights and opportunities—this was particularly true in rural areas, where poverty, lack of access to resources and the predominance of discriminatory customary laws adversely affected women;<sup>23</sup>
- » Legislative discrimination against women: although the 1991 Constitution prohibited discriminatory legislation, the prohibition was subject to certain exceptions related to customary law and thus did not protect women in areas such as marriage, inheritance and divorce, among others;<sup>24</sup>
- » Common early and forced marriages, particularly under customary law; there was no minimum age for marriage, and girls as young as 10 were given in marriage to men old enough to be their grandfathers;<sup>25</sup>
- » Greater difficulties for women than for men in the areas of marriage and divorce, arising from the coexistence of multiple legal systems: statute law, sharia and customary law; and
- » Inheritance laws favouring males, which saw women rendered homeless or forced off the land they had cultivated due to lack of inheritance rights.

Violence against women, particularly wife beating, was accepted practice and was perpetrated with near total impunity. Efforts to report abuse, in the rare instances where these were made, were dismissed, as such violence was not seen as a matter for police action. Although sexual violence was legally recognized as a crime, only the rape of a virgin was seen as a violation.<sup>26</sup> As in many other countries, rape was generally regarded as implying the woman's consent.

In the words of one woman community leader in Freetown, “women were not heard or seen—they were just things, chattels, that belonged to men. They had no authority to do anything without the permission of their husbands or fathers.”<sup>27</sup>

## **The ended nature and impact of the conflict**

Throughout the 10-year armed conflict, thousands of women and girls of all ages, ethnic groups and socio-economic classes were subjected to widespread and systematic sexual violence. As a woman civil society activist noted, “women became prey, no matter what their social standing was before the conflict. Any woman could be abducted and forced into sexual slavery.”<sup>28</sup>

Women were targeted by all sides as part of the military and political strategy and in an effort to undermine cultural values and community relationships. More disturbingly, there were also reports of sexual violence, exploitation and abuse carried out by peacekeepers from both the United Nations Assistance Mission in Sierra Leone and the Economic Community of West African States Monitoring Group—the very forces sent to protect civilians.<sup>29</sup>

With regard to gender-specific violations, women and girls were not only raped, by individuals and by gangs, but were also subjected to miscarriage as a result of rape; forced pregnancy; forced abortion; forced labour; abduction; and mutilation. ‘Forced marriage,’ which included but went beyond sexual slavery, was widely committed against women and girls, who were given as ‘wives’ to commanders and combatants. The rape of women and girls in front of family members was used as a form of torture and a deliberate strategy to break family and community bonds.

Some of the victims of sexual violence lost their reproductive capacity as a result of the violence itself or the medical procedures that were necessary to address the injuries. Others have faced various forms of ostracism and have been stigmatized as a result of being abducted and impregnated by the rebels.

Women were not simply victims in the conflict. There are reports of women who participated as voluntary fighters, collaborators and rebel supporters, although those interviewed in the course of this research claimed that most of the women in question did this to avoid being gang raped. They were said to have mediated the violence against themselves by displaying extreme aggression or attaching themselves to one male combatant and becoming his 'bush wife': A counselor at Gracelands Counselling center noted: "Some of the girls here came in three years ago refusing to speak. They had witnessed terrible acts of violence and torture; they cannot speak about it so they do not speak at all. They are slowly starting to say a few words now."<sup>30</sup>

### **Women's justice needs post-conflict**

At the conclusion of the civil war, huge political and moral challenges faced the country, including questions of justice for past atrocities given the complexity of a conflict in which many of the perpetrators of gross human rights violations were themselves also victims. Accounts of women's experiences during the war clearly demonstrate that while both men and women endured violence and hardship, the ensuing harms differed.

Women's experiences of sexual violence and the need for justice, acknowledgement and assistance are a crucial element of post-conflict rehabilitation, but the gendered impact of the conflict is much broader. In addition to ongoing insecurity for women, a lack of basic services, the devastation of physical and social infrastructure and the tensions related to reintegration, land access and property rights, many women have also had to deal with being forced to take on the roles of missing male family members in a context of ongoing and systematic discrimination. These inequities include laws that still prohibit women from inheriting land and property or prevent them from accessing services from the State without a male intermediary.

For many women in Sierra Leone, the post-conflict period of rebuilding and restructuring is very much focused on everyday survival. In this context, a term like 'justice' takes on a different meaning. It entails the transformation of social relations, national justice systems, legal reform, access to education and literacy, and effective policing. Another critical element is ensuring the participation of women, and attaining gender balance, in all spheres of decision-making and policy formulation. Women in Sierra Leone have traditionally been excluded from these domains and their participation is both a form of justice in its own right and a necessary element of real democratization.

The case of Sierra Leone has also highlighted the need to consider health and well-being in the context of gender justice. In a country reeling from the devastating impact of war on the physical health and psychological well-being of its women, this issue deserves much more attention. Sierra Leone has the highest rate of maternal mortality in the world; prevalence of female genital mutilation on women and girls is almost universal (estimated at 94 per cent by the World Health Organization in 2005); and statistics on HIV prevalence, though unreliable, can reasonably be estimated to be high given the high level of sexual violence, which has continued in the post-conflict period, as well as the high levels of prostitution and drug abuse. Thousands of women continue to suffer from treatable conditions that could be addressed through simple procedures and access to health care facilities.

### **Transitional justice mechanisms employed**

In an effort to address past atrocities, Sierra Leone established two key transitional justice institutions: the Truth and Reconciliation Commission (TRC) and the Special Court for Sierra Leone. It also adopted related policies and programmes for reparations to victims, follow-up on the recommendations of the TRC and implementation

of institutional and legislative reforms. The establishment of the TRC and Special Court was a two-track process wherein truth-seeking and reconciliation coexisted with criminal accountability efforts. This was the first time that a truth commission had run simultaneously with an international or hybrid court.

### Prosecutions

The Special Court for Sierra Leone was created in January 2002 through an agreement between the UN and the Government of Sierra Leone to try those most responsible for violations of international humanitarian law and Sierra Leonean law during the country's civil war.<sup>31</sup> It is situated in Freetown and is a hybrid institution employing both international and domestic capacity. It is anticipated that the infrastructure and capacity built during the Court's lifetime will go some way to rebuild the devastated domestic justice system in Sierra Leone.

The Special Court has to date indicted 13 war criminals. The case against Charles Taylor, former President of Liberia—the last of these cases to be brought to trial—is currently being heard in The Hague due to security concerns regarding holding the proceedings at the Freetown court. There have been numerous critiques of the Special Court during its time of operation, not least of which include the tensions in its relationship with the TRC, the strength of its outreach initiatives, the extent to which there will be a legacy and impact left on the domestic justice system in Sierra Leone, the small number of cases it has heard, and the narrowness of its mandate. Additionally, some feel that the slow implementation of reparations has had a negative impact on how victims perceive justice secured through the Court.<sup>32</sup>

The Court has, however, made significant strides in furthering justice for sexual and gender-based crimes. In February 2009, in a case referred to as the 'RUF case,'<sup>33</sup> three of the top commanders of the RUF were convicted for gender-based

crimes against humanity—rape, sexual slavery and inhumane acts (forced marriage)—as well as for the war crime of outrages upon personal dignity.<sup>34</sup> The forced marriage convictions were the first of their kind and followed an earlier ruling by the Appeals Chamber of the Special Court, which concluded that forced marriage could be considered a separate crime against humanity under the category of 'other inhumane acts.'

In responding to the conviction, the Prosecutor of the Special Court noted: "The Court today for [the] first time in world history convicted each of these individuals of 'forced marriage' as a separate "crime against humanity." In doing so, it recognizes the very deep and long lasting suffering inflicted upon women through conscription as 'bush wives' during the Sierra Leone conflict."<sup>35</sup>

While the Special Court has clearly made a seminal contribution to advancing accountability for gender-based crimes through the institutions of international justice, there were also critical setbacks. In particular in relation to the Civil Defence Forces (CDF) case,<sup>36</sup> where the judges ruled to exclude all evidence related to sexual violence crimes even though this was the primary violation experienced by the group of women who took the stand as witnesses. The case involved charges against senior leaders of the Civil Defence Forces, a pro-government militia group. The accuseds were charged individually and as part of a joint criminal enterprise with murder, inhumane acts, violence, acts of terror, collective punishments, pillaging and enlisting children. Approximately four months prior to the trial, the Prosecution sought to add four new counts alleging sexual violence—including forced marriage—under the existing counts of inhumane acts and violence to life and health in violation of the Geneva Conventions. The Trial Chamber denied this motion on the basis that it would offend the rights of the accused to be prosecuted without undue delay. The Prosecution sought and was denied leave to appeal this decision.

The implications of the judgment were widespread. In several instances the Prosecution was prevented from leading evidence that may have eventually led to testimony on sexual violence, often to the point of seriously fragmenting and hindering witnesses' (and victim's) testimony. In the words of one of the women: "I feel so bad, because they raped me very brutally, and that was my main reason for going to court to testify. As soon as I got there, my lawyer told me that I should not talk about that anymore. And up until now, that still causes me pain. It makes me feel bad."<sup>37</sup>

The Appeal Chamber did eventually find that the Trial Chamber erred in excluding evidence of sexual violence from going to prove other existing charges, but concluded that this ruling should simply provide "guidance" to the Trial Chamber in future.<sup>38</sup> The particularities of this case highlight the ongoing need for reforms to international law and international justice systems to make them sufficiently gender sensitive and victim-centred.

### The Sierra Leone Truth and Reconciliation Commission

The creation of the TRC in Sierra Leone was provided for in the Lomé Agreement that ended the conflict in 1999. It was established by an act of Parliament in 2000, which gave the Commission a one-year mandate to create an impartial record of the violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone. Key objectives for the TRC were to address the issue of impunity, respond to the needs of victims, promote healing and reconciliation, and prevent a repetition of the violations and abuses suffered.<sup>39</sup>

A distinguishing feature of the Commission's work from the outset was its intention to give special focus to the experiences of women during the conflict. In this regard, the Commission ensured that three of the seven Commissioners were women, one of whom had direct experience in tackling issues of gender-based violence

during armed conflict in the context of an earlier truth commission.<sup>40</sup> Based on lessons learned from gaps in the South African TRC process, the Sierra Leone TRC consulted local and international women's activists early and often and formulated special rules of procedure that were designed to address the particular needs of female witnesses.<sup>41</sup> Special hearings were held for women, and these had considerable success in placing the issue of sexual violence front and centre on the TRC's agenda. Additionally, the Commission provided food, transport, water and medical assistance where necessary to facilitate women's participation in Commission hearings.

Within civil society, women's groups formed the Women's Task Force—a coalition of representatives of civil society groups, women's groups and international and local NGOs—to ensure a coordinated response to the work of the TRC and the Special Court, and to ensure that crimes suffered by women were adequately identified and addressed.<sup>42</sup> Women's organizations also played a central role in bringing the experiences of women, particularly their experience of sexual violence, to international attention.<sup>43</sup>

The final report of the TRC was released on 5 October 2004. One chapter of the report is entitled 'Women and the Armed Conflict' and details the violations suffered by women during the war, as well as the post-conflict status of women in Sierra Leone. The report offers a complex account of the ways overlapping social, legal, political and cultural forces made women more vulnerable to a range of wartime offences. The analysis went far beyond merely listing violations. The TRC concluded, moreover, that all parties to the conflict were responsible for perpetrating abuses, including abduction and sexual exploitation, against women and girls.

The TRC also made strong recommendations with respect to legal, political, educational and economic reforms that would strengthen the



status of women in Sierra Leonean society and would make them less vulnerable to future victimization. It urged the repeal or reform of all statutory and customary laws that discriminated against women; the passage of new laws requiring all political parties to ensure that at least 30 per cent of their candidates for national and local elections be women; and ratification of the Protocol to the African Charter on the Rights of Women. The TRC further recommended that the Government launch a campaign to address customary norms that compelled a victim of rape to marry her rapist. These recommendations for reform were more gender-specific than the reports of earlier truth commissions and thus provide an important rallying point for civil society advocacy on issues of gender justice worldwide.

Civil society and human rights organizations in Sierra Leone have been vocal about the serious delays in the Government's implementation of the TRC recommendations, which are still largely unfulfilled six years on. The full implementation of the recommendations is seen as a vital step towards addressing the conditions that contributed to the outbreak of war and which persist in Sierra Leonean society today. One positive step in this regard, however, has been the enactment in 2007 of three 'Gender Acts' covering domestic violence, inheritance and customary marriage.

### Reparations

The Sierra Leone TRC did not consider reparations until late in its work, when it faced both resource and time limitations. As a result, consultation was limited to Government departments and Freetown-based NGOs. Nevertheless, the Commission's recommendations include progressive measures for women victims of the conflict.

In particular, the Commission recommended prioritizing reparations for amputees, women who suffered sexual abuse, children and war widows, because these individuals suffered multiple violations and were deemed to urgently require a particular type of assistance to address their current needs.

The TRC also recommended that the definitions of 'victim' and 'beneficiary' not impose limits based on who had participated in and cooperated with the Commission, as had been the practice of some earlier truth commissions. Had the TRC proceeded in that way it would have excluded a large number of victims; particularly women, many of whom did not participate for fear of the stigma attached to their experiences during the conflict.

Similarly, the TRC suggested that in determining the size of pensions (recommended to be set up for amputees, children and women affected by the conflict), the Government must take into account not just the cost of living, but also the amount given in DDR packages and ex-soldiers' pensions. This recommendation reflects the gendered roles that men and women play during armed conflict: DDR packages primarily benefit men, who are more likely to have been combatants; women, meanwhile, are disproportionately represented among victims and thus among those to whom reparations are owed. Linking DDR packages and reparations is one way to ensure more gender-sensitive distribution of post-conflict resources, and thus of creating a more equitable reintegration programme.

Despite these positive recommendations, however, the actual implementation of Sierra Leone's reparations programme has been characterized by severe delays.<sup>44</sup>

The first steps to roll out the programme were not taken until 2008, when the UN and the Government of Sierra Leone embarked on the ‘Year 1 Project,’ which itself aimed only to build the institutional capacity needed to implement the TRC recommendations on reparations. This project received seed funding of \$3 million from the UN Peacebuilding Fund and has been implemented by the National Commission for Social Action (NaCSA), a governmental organization charged with overseeing reparations.<sup>45</sup>

The Year 1 Project made progress in conducting victim registration, with close to 30,000 victims registered during this period. The initial registration period, however, did not yield the numbers anticipated, and time-frames for registering were extended. This happened again during the second registration period, which led to the adoption of a ‘restricted open-door policy’ whereby the time restrictions for victim registration were made more flexible.<sup>46</sup> This is an important reform, particularly for sexual violence cases where women may not come forward initially due to lack of information, fear, stigma, insecurity or lack of strong confidentiality measures or trust in institutions. A longer-term open-door policy makes it possible for more beneficiaries to access their rights to redress.

The TRC also recommended that a Special Fund for War Victims, intended to take care of amputees, children and women affected by the war, be established within three months of the publication of the Final Report in October 2004. This too was delayed; the Fund was launched five years later, in December 2009. It is intended to serve as a basket fund to receive national and international contributions to support victims of the conflict.

One symbolic, but nonetheless important, step that has been taken on the basis of the TRC recommendations was the apology by the President to the women of Sierra Leone. On 27 March 2010—International Women’s Day—President

Ernest Bai Koroma said clearly that the State “fell short in our obligation to adequately protect women from the brutalities of armed conflict.” He apologized for the wrongs done to Sierra Leonean women, asked for forgiveness in the name of the armed forces, and pledged to protect women’s rights going forward. He also acknowledged that traditional and cultural practices in Sierra Leone have grossly violated women’s human rights. This simple yet profound acknowledgement of the State’s responsibility for protection of women is an important step in laying the foundation for a new country based on the rule of law and a culture of respect for human rights.

### Disarmament, demobilization and reintegration

The DDR programme in Sierra Leone, which took place from 2001 to 2002, has generally been described as a qualified success. It has, however, been criticized for its failure to account for the needs of women and girls in the fighting forces. Women and girls played many roles in the conflict, particularly in the CDF and rebel forces, where they were commanders, cooks, frontline fighters and spies. Yet of the more than 75,000 combatants demobilized during the official process, the UN Department of Peacekeeping Operations reports that only 6.5 per cent were women. This is partly a result of the criteria used by the DDR programme, which was initially based on a ‘cash for weapons’ exchange. This approach excluded women and girls who had their weapons taken from them by male commanders prior to reaching the exchange sites, never received weapons because they served in support roles, or were abductees who had already fled their captors—and as such received no reintegration support.<sup>47</sup> There has also been inadequate support for women in the communities who have played a vital role in the reintegration of ex-combatants, particularly those who were excluded from official programmes.<sup>48</sup>

## Reconciliation and social reconstruction

The TRC made an important starting contribution towards community reconciliation through its broader mandate and by hosting community events for reconciliation and healing. These efforts ceased, however, when the TRC concluded its work. Since then, some civil society groups have tried to step into the space, recognizing the ongoing and critical need for intra- and inter-community social reconstruction and reconciliation. As one leader said, “when we consulted people, the communities across the country, they said they did not think reconciliation has happened. With everything that was done, we still need reconciliation. We have no option—we have to live with the offenders.”

An example of one such civil-society-based effort is *Fambul Tok* (Krio for ‘Family Talk’). This is a process that brings together all actors of the post-war society—offenders and witnesses—to a ‘family circle’ to discuss and resolve issues. The community healing process is designed to address the roots of conflict at the local level and to restore the dignity of those who suffered from violence. The initiative is rooted in traditional practices that emphasize the need for confession, reconciliation and forgiveness.<sup>49</sup>

## The situation of women in Sierra Leone today

Women continue to experience secondary harms almost a decade after the end of the war. These include the shouldering of new responsibilities and the day-to-day struggle to rebuild lives and provide for families in a context of continuing extreme poverty. For some women, these secondary harms also include the consequences of sexual violence: unwanted pregnancies and health problems such as sexually transmitted diseases. While women play a large role in the rebuilding of communities and social relations—due in part to their provider roles, both old and new—they are still subjected to widespread gender-based violence, which is and has been endemic in Sierra

Leonean society. Domestic violence in particular has roots in both culture and religious practice, and both play a role in limiting the degree to which it is reported. Despite the attention that has been paid to gender-based violence in the aftermath of the conflict, it is still considered shameful for a woman to report her husband as a wife beater. Violence against women thus remains one of the major obstacles to women’s participation and contribution to peacebuilding. In the words of one civil society activist, “the thing about Sierra Leone is that you only call the police for your enemy. If you don’t want the relationship anymore, then you can go to the police. I experienced this myself: My husband beat me very badly. I had 11 stitches in my head. I thought, where do I go?... At the end of it, the police just say, Go back to your husband, even though they have been sensitized, trained...The law works when [you do] not want him back. It is a taboo, he will be your enemy for life.”<sup>50</sup>

## UN support to transitional justice initiatives in Sierra Leone

UN agencies have provided critical support to post-conflict justice and reconstruction efforts in Sierra Leone. Indeed, the agencies, programmes and projects through which this support has been given are too numerous to list here. But it is important to note that UN efforts have been central to all transitional justice measures in Sierra Leone, including the TRC, the Special Court, the official DDR program, security sector reform and support for judicial reform, as well as in the areas of peacebuilding and security, and broader human rights and rule of law programs.

With regard to long-term peacebuilding and reconstruction support, of particular note is the establishment of the UN Peacebuilding Commission (PBC), mandated to focus attention on reconstruction and institution-building efforts worldwide and to lay the foundation for sustainable development. Sierra Leone has been

selected as one of the first three countries to benefit from PBC support. The UN is currently scaling down its operations in the country: the UN Integrated Office in Sierra Leone (UNIOSIL) is preparing to close, while the mandate of the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) is slated to end in September 2010.

## Recommendations and ways forward

Many of the recommendations on women and gender justice that were made in the final report of the TRC have not been fully implemented. Some, like girl-child education, attracted government attention and special support. In other areas, however, the response has been slow. The gender bills recognizing women's rights in marriage, making domestic violence a criminal offence and recognizing women's rights to inheritance were eventually passed in 2007, but only after significant lobbying by women's groups.

In addition to the need for ongoing advocacy and post-TRC follow-up, the case of Sierra Leone offers these important lessons:

- » **Ad hoc activities are limited in their impact.** Such activities do serve to mobilize civil society and raise public awareness, but generally for a very short time. The gains are difficult to sustain if they are not linked to a broader strategic long-term programme. Indeed, they can do more harm than good by creating a false sense of having dealt with the issues, when actually very little has changed in the lived realities of people's daily lives.
- » **Gender programming must move beyond simply including women.** Without a deep understanding of feminist gender critiques, activities become 'women's programmes' but do nothing to address the underlying ideologies and politics that buttress gender inequalities, and by extension, gender-based violence.
- » **Women are not a homogenous group.** Unequal power relations exist among and between women as well and must be considered in all programming plans. These class and ethnic issues further marginalize poorer women with less power and access. Without sensitivity to the existence of these divides, the voices from the periphery are excluded and representation is limited to that of the educated elite.
- » **The post-conflict moment is critical.** The period immediately after a war or armed conflict creates a significant opportunity to address not only the gender-based violations that occurred during the conflict, but the low status of women and gender inequalities that had existed long before and that are linked to women's wartime experiences.
- » **Women are not just victims.** Women play multiple roles during armed conflict and can be powerfully mobilized in the post-war period to campaign and speak out against all forms of discrimination against women, if trained and empowered to organize and to understand the issues.
- » **Transitional justice mechanisms are only the beginning of reconciliation.** Rebuilding and restoring relationships is a long-term process that must be part of a sustained and coordinated strategy if future violence is to be prevented. Acknowledgement and reparations will go a long way to furthering these objectives.
- » **Health is a critical justice issue.** Pervasive sexual violence leads to long-term consequences in terms of physical health and mental well-being, which require immediate attention after the end of a conflict and must be seen as integral to gender justice.

# Rwanda: Securing justice for women's experience of genocide

**The gendered nature of Rwanda's genocide, the complexities of delivering justice in the aftermath of mass atrocity, and the strong political will for gender equality and transformation since 1994 all contribute to making Rwanda a unique case study in gender and transitional justice.** Institutionally, UNIFEM's involvement in supporting civil society and government over the past 15 years and the decisive role civil society has played in advocating for women's justice needs provide a wealth of information—both best practice and lessons learned—for other post-conflict contexts.

## Background

The facts of the Rwandan genocide are well known. In April 1994, the plane of then-President Juvénal Habyarimana was shot down over Kigali, plunging the country into three months of mass violence that resulted in the immediate deaths of more than 800,000 Tutsis and moderate Hutus. The violence was perpetrated in a way that destroyed institutions, infrastructure, communities, families and social bonds among fellow citizens. In the words of the former Minister of Family, Gender, and Social Affairs, Senator Aloysea Inyumba what was particular to the Rwandan experience was that the atrocities “took place in the most intimate settings: between colleagues, teachers and students, neighbours and, most destructively, within families; they occurred over a short period of time; and they involved mass participation.”<sup>51</sup>

## The situation of women pre-conflict

Rwanda can be characterized as a traditionally patriarchal society. Prior to the genocide, women's roles were confined to the domestic sphere and their status was one of inferiority, both legally and culturally. Women's access to education and employment opportunities were limited.<sup>52</sup> The Family Code of 1992 officially designated husbands as heads of households, making their consent a prerequisite for wives to open a bank

account, engage in commerce or enter into any legal agreement.

Women did not have the right to inherit property, and their access to land and credit—both critical resources in an agrarian-based society—was restricted.

Lack of education, high rates of illiteracy and limited access to the public sphere and formal employment all contributed to a structure of enforced vulnerability for women. Violence against women was an accepted norm and rape was treated as a ‘family affair,’ if it was reported at all. The focus was on keeping the incident shrouded in secrecy and restoring relations between the two families, rather than punishing the perpetrator. Often the victim was forced to marry the perpetrator or the perpetrator was obliged to pay ‘compensation’ in the form of cattle to the victim's family.

## Women's access to justice pre-conflict

There is little research on women's access to justice prior to 1994. A general indication can be inferred, however, from the limited access to justice that Rwandan women enjoy in the present day, despite institutional reforms and efforts to increase gender sensitivity.<sup>53</sup> One key obstacle to women's access to justice before the genocide

had been the simultaneous operation of different legal systems. Each system had its own rules, procedures and costs. All frequently neglected the needs of women attempting to obtain justice. The traditional dispute-resolution forum known as *Gacaca*, for example, was originally an institution reserved for adult men, and a woman had to be 'represented' by the head of the family—either her husband or her father. There was no sanction for sexual violence through these local forums, and within the criminal law system the aim was not the punishment of the guilty but rather the preservation of harmony within the community, once again sidelining women as individuals deserving of justice in their own right.<sup>54</sup>

### **The gendered nature and impact of the genocide**

A striking feature of the genocide is the stark example it presents of the creation and manipulation of gendered stereotypes to foment ethnic violence and, as a result, the sexualized and gendered nature of the violence itself.

Although the exact figures are unknown, estimates of the number of women who were victims of sexual violence generally range between 250,000 and 500,000. Some have argued that the number could be higher, and that almost every woman and adolescent girl who survived the genocide may have experienced sexual violence. The list of atrocities committed on women's bodies is horrific; they include sexual mutilation, gang rape, sexual torture and public sexual humiliation, such as forcing women to walk naked in public. The violence was carried out by members of Hutu militia groups (the *Interahamwe*), civilians and soldiers of the Rwandan Armed Forces, including the Presidential Guard. The use of rape as a deliberate tool of the genocide is evidenced in the cases that have been brought before the International Criminal Tribunal for Rwanda (ICTR).

The genocide was not just gendered in the way in which identities were manipulated to encourage

sexual violence against Tutsi women, but also in the way in which hate propaganda equally targeted and encouraged Hutu women to kill. Reports have documented how thousands of Rwandan women were directly and indirectly involved as perpetrators of atrocities.<sup>55</sup>

Many of the challenges facing Rwanda in the wake of the genocide relate to the devastation of the social fabric of the country. Post-1994, there were more than half a million widows, many of whom had been raped and were HIV positive. There was also 300,000 to 400,000 orphans; little physical infrastructure; a combined total of 4 million refugees and former exiles who required reintegration; and widespread trauma, insecurity and mistrust among citizens.

For women, the scale and systematic nature of sexual violence during the genocide had horrific consequences. In addition to the psychological trauma, the physical illnesses resulting from the violations included fistulas, sexually transmitted diseases, scarring and a host of reproductive illnesses. It is estimated that nearly 70 per cent of rape victims were infected with HIV. This was, moreover, a deliberate strategy of the genocidaires—one which, according to local women's organizations, ensured that the genocide continued long after the actual killings stopped. Those women who became pregnant as a result of wartime rape faced the choice between an illegal, and often botched, backstreet abortion and bearing the child of rape and grappling with the shame, stigma and emotional trauma this incurred for both mother and child.

### **Women's justice needs post-genocide**

Given the diverse and interrelated consequences of the genocide for Rwandan women, 'justice' for women survivors must be interpreted in far broader terms than traditional formal justice or prosecutions. Rwanda is a prime example of the need for transitional justice measures to encom-

pass social justice and developmental goals if they are to redress the consequences of gender-based violations.

For example, in a context of mass rape and the deliberate spread of HIV, any reparations programme must include overcoming the barriers women face in accessing health care, anti-retroviral drugs (ARVs) and psycho-social support. Taken without proper nutrition, however, these medications can be toxic. Given the existing patterns of feminization of poverty due to systemic injustice, failure to ensure both immediate as well as long-term food security through access to land, credit, and economic opportunities will only provide limited redress, and may in fact cause further harm.

While socio-economic justice may be the most immediate or pressing concern for women in light of their daily struggles, justice through the formal court system has also been an important demand of women survivors—one driven by the need for retributive justice that metes out punishment commensurate with the severity of the crimes that were perpetrated during the genocide. Prosecutions are also seen as providing an important element of acknowledgment.

### **Transitional justice mechanisms employed**

The mass scale and involvement of the Rwandan population in the genocide has presented obvious challenges to efforts to seek retributive justice through the court system. With the legal system in ruins and only a handful of judges and lawyers remaining, it was estimated that it would take more than a century to complete the prosecution of all suspected genocidaires. Moreover, the enormous resources needed to house and try the tens of thousands of accused was diverting much-needed funding from development and reconstruction priorities.

Given the enormity of these challenges, Rwanda chose to employ different forums at differ-

ent levels of society to seek prosecutorial (and to some extent, at the local level, restorative) justice. These mechanisms include the International Criminal Tribunal for Rwanda (ICTR); domestic prosecutions; and the adaptation of a local traditional justice mechanism, *Gacaca*. The sections below provide a brief summary of these various mechanisms, in particular with regard to their handling of SGBV cases.

#### **International Criminal Tribunal for Rwanda**

The ICTR was established by the UN in 1995 and was tasked with the prosecution of crimes of genocide and crimes against humanity that were perpetrated in 1994 in Rwanda or by Rwandan citizens in neighbouring countries. The Tribunal, operating in Tanzania, began its work with a mandate to try “those most responsible”: the authors and political leaders of the genocide.

The ICTR has received much praise for its groundbreaking judgment in the *Akayesu* case (2 September 1998), which marked the first conviction for genocide by an international court; the first time an international court punished sexual violence in an internal conflict; and the first time that rape was found to be an act of genocide. Additionally, the Tribunal in this judgment established a broad legal definition of rape as “a physical invasion of a sexual nature, committed on a person under circumstances which are coercive,” and noted that these acts of violence need not include penetration or even physical contact.

Disappointingly, the *Akayesu* case quickly became an exception, and few sexual violence cases have been taken forward since. Institutionally, the ICTR has been accused of being insensitive to the needs of women survivors and witnesses in its processes.<sup>56</sup> The Tribunal has made an effort in recent years to learn from past weaknesses, and a gender adviser was brought on board in 2003; this was, however, late in the process—eight years after the ICTR was established.

Issues remain, however, regarding witness protection, outreach, treatment of the accused versus treatment of victims, as well as broader credibility issues, and there has been little trust among Rwandan women that the ICTR process will deliver justice for sexual violence: “Even as Rwandan rape survivors continue to recognize the value and potential of an international court set up to deliver justice to them, the overwhelming sentiments expressed by them are a burning anger, deep frustration, dashed hopes, indignation and even resignation. Justice moves slowly for all at the ICTR, but even more slowly for rape victims...If the current trend continues, when the doors of the ICTR close, the judgments from this court will not tell the full story of what happened during the Rwandan genocide. They will not correctly reflect responsibility for the shocking rapes, sexual slavery and sexual mutilations that tens of thousands of Rwandan women suffered.”<sup>57</sup>

#### Domestic prosecutions

The 1996 Rwandan Organic Law separated crimes related to the genocide into four categories in order to fast-track prosecutions and encourage the release of prisoners.<sup>59</sup> The categories grouped responsibility by the seriousness of the crimes committed, with category one—which included the crimes of genocide and sexual violence—being dealt with through the formal domestic courts and the ICTR. Much effort and international community support have been directed towards reforming and rebuilding the Rwandan judicial system.

Prosecutions of sexual crimes before domestic courts have, however, been few in number. In part this is because many women were raped after everyone around them was killed, and there are therefore few witnesses. Victims themselves are reluctant to speak for fear of community members finding out, as well as being reluctant to put themselves through the trauma of testifying (even behind closed doors). These complications have all been compounded by an untrans-

formed judicial system that is not equipped to deal with the specific needs of these cases. It is therefore of little surprise that in 2004, Hagaruka, a local NGO that provides legal support to women and children in need, estimated that fewer than one hundred women had seen their genocide-period rape cases be heard by the ordinary courts.<sup>60</sup>

#### *Gacaca*

As a result of the still vast number of outstanding genocide-related cases and the impossibility of prosecuting all suspected genocidaires through the formal court system, the Rwandan government in 1998 announced the rollout of *Gacaca*, or local community courts. These courts were mandated to handle the less serious crimes in categories two through four, cases that would try killers, accomplices of intentional homicide and individuals who had committed property crimes.

Current day *Gacaca* is a modification of a traditional restorative justice/community dispute-resolution mechanism, with the integration of elements of the Western legal system. Although punishments meted out by *Gacaca* courts in their current form can include life imprisonment, an important feature of these courts is the ‘plea bargain’ element: sentences are reduced where the accused confesses, apologizes publicly and provides details of the crime. These reduced sentences generally include some form of community service, which serves as a form of punishment while at the same time providing reparations to the community and facilitating the reintegration of the perpetrator. The courts are communally participatory: the entire community is expected to attend, to participate in identifying both perpetrators and victims, and to present evidence as witnesses. It is estimated that by the close of *Gacaca*, over 800,000 accused will have been called to appear before these community structures.

Although sexual violence cases related to the genocide were meant to be handled by the



domestic courts, *Gacaca* was still used for the hearing of confessions, identification of perpetrators and classification of cases as well as evidence gathering for all cases, including those related to sexual violence crimes, in all cases related to that period. The use of the community courts for evidence gathering raised concerns for survivors of SGBV crimes about the risks of public disclosure. Such concerns were amplified when the *Gacaca* law was altered in mid-2008 to reclassify sexual torture as a category two crime in order to speed up prosecutions by shifting of these cases to the jurisdiction of *Gacaca* courts. This in essence undid the original effort of women's organizations to ensure that SGBV cases were classified among the most serious crimes. Concerns have also been raised regarding the inadequate sensitization of judges and an absence of systems to provide women with psycho-social support before, during and after the *Gacaca* process.

In response to some of these concerns, a number of safeguards were built into the new law: trials were allowed to proceed in closed session; only the "best judges" were to be selected for SGBV cases; and these judges were to receive special training before presiding over SGBV cases. Violation of the secrecy of a closed-session hearing was also deemed punishable by a prison term of one to three years. It is unclear whether such measures have been instituted consistently or have been adequate.<sup>62</sup> Nevertheless, with the shutting down of *Gacaca* scheduled to take place during 2010, some follow-up mechanism will be necessary to hold open the possibility for justice to those who come forward belatedly, as well as for those cases not dealt with before the community courts are shut.

### **The role of civil society in advocating for justice for SGBV crimes at the ICTR**

Civil society has played a crucial role in the work of the ICTR, in particular on cases of sexual violence. The Akeyesu case provides a positive example of the influence civil society can wield in ensuring justice for women through the judicial process. This case would likely never have set a precedent for gender justice had it not been for a combination of the insightful questioning and leadership of trial judge Navi Pillay and, more importantly, the pressure exerted by a coalition of over 40 women's organizations from around the world, including a number of local Rwandan women's organizations. The Coalition for Women's Human Rights, as this umbrella group was known, had been formed in 1996 with the express mandate to "monitor the ICTR and ensure that it protected the rights and interests of women appearing before the Tribunal." Its members launched their advocacy initiatives with a letter to then-Chief Prosecutor Richard Goldstone and then filed an amicus curiae brief with the Office of the Prosecutor requesting that the original indictment against Akeyesu be amended to include charges of rape and sexual violence. A number of local Rwandan NGOs, with financial and technical support from UNIFEM, further contributed to the case by travelling to Taba (the area in which crimes had been perpetrated) and collecting testimony to feed back to the Tribunal's investigation team.<sup>58</sup>

### **Disarmament, demobilization and reintegration**

A dedicated government body—the Rwanda Demobilization and Reintegration Commission—was established in 1997 to demobilize and reintegrate ex-combatants from armed groups, the *Forces armées rwandaises*, and the Rwandan Defence Forces. One of the key goals of the Rwandan Demobilization and Reintegration Commission is to facilitate the reallocation of Government expenditure from military to social and economic sectors.

This goal has particular importance for gender justice as militarization of society has been linked to higher levels of violence against women in other settings, and decreased social spending places an increased burden on women who are expected to take on additional responsibilities and roles in their community and families.

Fewer than 1 per cent of demobilized ex-combatants were women and little is known about their reintegration as there has been no dedicated research. This dearth of information means that it is difficult to assess how these women have reintegrated. There has also been a concern that “women are ... being underreported by combatant groups at the front end of the process, and that more needs to be done to encourage women combatants to present themselves, and to properly identify and incorporate women into national DDR programs.”<sup>63</sup>

#### Institutional and governance reform

Perhaps the greatest contribution to gender justice in post-conflict Rwanda has been the focus by the current Government on broad reforms to redress institutional oppression, including re-writing legislation to address gender equity and increasing the representation of women in the public sphere. The 2003 Constitution stipulates that all decision-making bodies should be comprised of at least 30 per cent women. Gender-responsive budgeting has been introduced in key Government departments, and there is a strong emphasis on gender mainstreaming throughout the policy-making process. Legislation has been overhauled, and key new bills include those that allow women to inherit and criminalize domestic violence. Also important to note is the existence of the National Unity and Reconciliation Commission, an institution that has explicitly incorporated gender justice and women’s contributions to peacebuilding into their mandate of promoting reconciliation in Rwanda.<sup>64</sup>

## Outstanding justice needs for women

Although the needs of women survivors of sexual and gender-based crimes during the genocide have not been entirely ignored, the response could be significantly stronger, particularly in the areas of legal redress, medical treatment and trauma counselling.

#### Reparations

The 2001 *Gacaca* law initially required *Gacaca* courts to draw up lists of victims and damages suffered and to make a determination of reparation amounts to be awarded by the state. These amounts, however, were never actually awarded. In 2004, legislators changed the law governing the mandate and function of the *Gacaca* courts. Under the 2004 law, *Gacaca* courts are meant to simply draw up a list of victims and damages, to be used solely for purposes of restitution for material damages. All other aspects of a comprehensive reparations program are to be dealt with through a separate law. This proposed separate law, or indeed any law relating to reparations, has yet to be put in place. This is contrary to Rwanda’s international legal obligations, as reparations are an integral component of the right to justice due to victims of gross violations of human rights.

Civil society interviewees noted the particular need for reparations for women survivors: “*Gacaca* just prosecutes, but [women survivors] need socio-economic support. The Government is still thinking about how to do this and what the nature of reparations will be, but victims don’t have time to wait—and in the interim *Gacaca* is running but with no reparations.”<sup>65</sup>

#### Physical and mental health reparations

Sexual violence in conflict has very specific physical and psychological health consequences, and any redress for these violations needs to include access to health care for survivors as well as adequate treatment. Many, though not all, cases of

HIV in Rwanda are related to the genocide, and it is estimated that there are today between 50,000 and 100,000 people living with HIV and in need of ARV therapy. As of January 2004, only 2,000 Rwandese were being treated with these drugs.<sup>66</sup>

Mental health facilities in the country are similarly scarce, and as a result of the extent of the atrocities suffered during the genocide and the widespread nature of the trauma, they are stretched beyond capacity.<sup>67</sup> Given the complexities of SGBV violations and the frequent isolation experienced by survivors as a result of shame and fear, dedicated trauma support and increased access to mental health services should form part of any future reparations programme.

### Prisoner reintegration

Prisoner release programmes have a specific impact on women, who are often forced to live in the same community as their rapists once they are released. Although there are programmes reportedly being carried out to deal with the reintegration and training of prisoners, this does not appear to include ongoing monitoring, or to make specific provision for the safety of women survivors. Additionally, no work is being done with survivors in those communities where perpetrators are being released. Coexistence in these communities is difficult, as survivors bear the brunt of stress as a result of insecurity and trauma.

## The situation of women in Rwanda today

During periods of conflict and unrest, traditional gender roles are often destabilized, leading to some limited gains for women in spite of the horrors of the violence taking place. It is rare, however, to be able to consolidate these gains and preserve them against a reactionary backlash that advocates a return to traditional roles. Rwanda is perhaps the first country to successfully manage a continuous progression towards gender equality in the wake of mass unrest. Not only have

## The role of civil society in advocating for justice for SGBV crimes domestically

The inclusion of sexual torture among the most serious crimes (category one) was a direct consequence of the mobilization and leadership of local and international civil society and Rwandan women parliamentarians.

The original draft law had placed sexual violence crimes in category four, along with looting and property crimes. This was the result, according to one activist, of a prevailing mindset on sexual violence that regarded rape as “un crime banal.”<sup>61</sup> Local women’s organizations, with UNIFEM support, thus launched a campaign targeting parliamentarians in an effort to change this mindset and have sexual violence recognized as a serious crime.

Activists travelled across the country to gather women’s input and testimony, which they presented to the Rwandan Women’s Parliamentary Forum. Individual victims were brought to Parliament to meet with Forum members, and together they drafted a document that was given to all Members of Parliament to raise their awareness of the ways sexual violence had actually been used during the Rwandan genocide.

The campaign was successful, and the seriousness of sexual violence crimes was recognized in law. Without the collective mobilization and initiative of these women’s organizations, however, it is doubtful that the necessary shifts in attitude and legislation would have been secured.

political and public spheres experienced no official backlash against women’s new roles, but spaces have continued to open rather than shut down. In the words of Alphonsine Mukarugema, a Member of Parliament, “everything linked to the advancement of gender can be traced back to the consequences of the genocide.”<sup>68</sup>

In part, this success has been the result of force of circumstance. Post-genocide, 70 per cent of the population was female: most men had been killed, had fled or were in prison. In the immediate aftermath of the genocide, 50 per cent of households were headed by women; this continues to be the case for more than a third of Rwandan households. The destruction of family structures as a result of the genocide challenged traditional gender roles and threw society into flux. The tackling of new roles has given new confidence to women who, having become aware of their own strength and capabilities, are today arguing for their own rights. Post-1994 also saw the rapid evolution of women's organizations, as well as a different and more progressive attitude towards gender roles introduced by the returning exile community.

But perhaps the single largest contribution to the new focus on gender equality is political will at the highest levels of Government. The 2003 Constitution established a quota of 30 per cent women's representation in all political institutions, and in that same year women won 49 per cent of legislative seats, making Rwanda the only country in the world to reach a gender balance in its national Parliament. In the 2008 election, women won over 56 per cent of seats in the National Assembly, consolidating Rwanda's world leadership in this domain. The Ministry of Gender and the Promotion of Women (MIGEPROFE) was established in 1995 and has been a key institution advocating for women's empowerment and gender-sensitive policymaking within the Government. Family law has been reformed in the areas of inheritance, divorce, property ownership and domestic violence, and gender-responsive budgeting has been mainstreamed into Government departments.

The challenge, however, has been in translating these policy gains into real change for women on the ground, who continue to deal with barriers imposed by culture, entrenched attitudes and ongoing poverty. Women's access to justice, in

particular for SGBV cases, remains limited and prosecutions are still rare.

## **UN support to transitional justice initiatives in Rwanda**

Over the past 15 years, UN agencies have supported transitional justice programming in Rwanda both financially and through numerous projects and collaborative initiatives. While not an exhaustive list, some of the key initiatives are outlined below:

- » The World Health Organization (WHO) funded a programme of psycho-social counselling for women victims of violence from 1999 to 2002.
- » UNDP was extensively involved in supporting police and judiciary reform. Since 2002 UNDP has provided support to the *Gacaca* courts, building capacity, training judges and providing capacity-building assistance to support documentation and collection of evidence. UNDP has also provided training and support to judges at the ICTR and the domestic courts prosecuting genocide-related cases.
- » The United Nations Children's Fund (UNICEF) has conducted trauma-alleviation programmes and training in trauma identification and assistance.
- » The United Nations Mission for the Democratic Republic of Congo was involved in demobilizing and repatriating ex-combatants from the DRC back to Rwanda.
- » The United Nations Assistance Mission for Rwanda, the United Nations High Commission for Refugees (UNHCR) and the United Nations Human Rights Field Operation in Rwanda were all heavily involved in security sector reform—particularly capacity-building, human rights training and institutional support for the police and armed forces—in the years immediately following the genocide.
- » UNHCR has worked closely with the Government and Rwandan women (in collabo-

ration with the Rwandan Women's Initiative) to ensure that gender-specific issues and needs are addressed, and to create an enabling environment for women to contribute to the country's development.

### **UNIFEM programming, partners and impact**

A gendered programme of transitional justice in Rwanda necessitates a holistic response that spans criminal justice, restorative, economic and reparative justice, and legislative and institutional reform. Each of these elements plays a role in addressing the comprehensive causes and consequences of past violence.

UNIFEM's programming in Rwanda reflects this need for an integrated and cross-cutting approach. For example, UNIFEM partnered with AVEGA, the women victims association, to provide training for national police on how to deal with current-day victims of violence against women. AVEGA has experience in dealing with training and trauma counselling for its own members and thus was an obvious choice as the implementing partner identified to conduct similar training for the police. Working with a victim-based organization, however, has a positive impact on the organization itself, not only the targeted beneficiaries among the police: It allows AVEGA to provide new opportunities for its members and become an agent of change and empowerment.

### **Other UNIFEM-supported projects include:**

» Empowering members of AVEGA in peace-building through income-generating activities. This project has the two-fold objective of bringing women together and building relationships across divides through development activities, as well as providing new skills, such as basket weaving, for income generation.

### **The role of civil society: The 'Village of Hope'**

Village of Hope (VOH) is proof that an integrated model of psycho-social support can be developed in a context of limited resources. The Village of Hope Project was initiated by the Rwandan Women's Network, a UNIFEM partner, to create a space where women can come together for sharing, healing, education, awareness and peacebuilding activities. VOH has not only created a healing environment of peer support, but has also contributed to the country's justice mechanisms: Women who have come through VOH have been willing to testify at the ICTR, domestic courts and *Gacaca*. They are given support and the space to build confidence and deal with potential stigma. VOH also sends a community mobilizer with the survivor to give personal support while she testifies. In the words of a Rwanda Women's Network officer: "People do not just wake up one day and go in front of a crowd to tell how you were raped and brutalized." There is a need for spaces like VOH to prepare women for testifying and to assist in dealing with the anticipated thousands of unresolved cases after the mandates of the *Gacaca* courts, the ICTR and other mechanisms for genocide-related justice have ended. The project has won two international awards: the Red Ribbon Award at the International AIDS Conference in Toronto in 2006 and an award from the UN Habitat for Humanity. It was also singled out by UN Secretary-General Ban Ki-Moon on a recent visit to Rwanda.

- » Conducting sensitization and awareness-raising as well as training for *Gacaca* officials.
- » Providing support to Profemmes, the women's organization umbrella body, to increase the capacity of women to play a more effective role in *Gacaca*, as well as providing training for women judges to take up their new role in these courts.

- » Working with *Ndabaga* Association, the first female ex-combatant association to be formed in the Great Lakes Region, the Demobilization and Reintegration Commission and the Rwandan Defence Force to support the DDR process through a dual strategy that seeks to empower female ex-combatants and assist their reintegration while mainstreaming preventative actions on SGBV into the DDR program.
- » With these same partners, expanding the agenda of gender and DDR beyond a focus on female ex-combatants to advocate for the positive role that these women can play in regional peacekeeping missions, serving the dual purpose of increasing women's role and representation on these bodies and providing opportunities for female ex-combatants to use their skills and experiences in new roles. *Ndabaga* are now actively involved in advocacy to ensure that Rwanda's involvement in peacekeeping operations elsewhere on the continent includes women and mainstreams gender concerns.

UNIFEM's own programming, as a result of its reliance on strong partnerships with local civil society, has yielded a number of significant successes and innovative projects. These provide a wealth of information for lesson-sharing on the positive impact civil society efforts can yield.

### **Recommendations and ways forward**

As the mandates of the formal justice mechanisms established to deal with genocide-related crimes draw to a close, new areas and programming needs present themselves, in addition to the outstanding justice issues mentioned above. These include:

- » **Community reintegration:** An identified issue of concern with broad implications for Rwandan women is reintegration, including the reintegration of men returning from prison. This is becoming more urgent as

the *Gacaca* process nears completion and many prisoners are being sent back into their communities, having had their cases heard. The implications for women are the same as that of the interim releases, and include security threats and the possibility of re-traumatization caused by living in close proximity to those who have perpetrated acts of sexual violence against them. As it is unlikely that either domestic courts or *Gacaca* will deal with more than a minority of genocide-era rape cases, most women will also live with the daily injustice of knowing that these individuals have been released without any measure of accountability. Furthermore, complications surround both family reintegration and the reintroduction of large numbers of men back into families and communities after many years. There is limited assistance for this process, and what is being provided does not adequately consider the gendered implications of reintegration. Survivors, ex-combatants and ex-prisoners are all in need of programmes that have a specifically gendered focus.

- » **Documentation and research:** There is a need for further research—in particular gender-specific research. This would include a study of women survivors' experiences over the past 15 years, their specific needs, their experiences in relation to the post-genocide justice processes, and an evaluation of past training and programming. Given the multiplicity of processes that have been undertaken in the post-genocide years—*Gacaca*, prosecutions, institutional reform -the absence of systematic research, particularly surveys to monitor impact on the ground, means that there is little information by which to assess these processes. It would be especially important to examine the impact of capacity-building and sensitization with different constituencies. For instance, are levels of SGBV among ex-combatants in Rwanda lower than in other post-conflict

countries? Has the training of *Gacaca* judges led to increased sensitivity in their handling of genocide-related rape cases?

- » **Post-*Gacaca* support:** The short time that remains in the mandate of the *Gacaca* process means that little can be done to further justice for SGBV crimes through this mechanism, although support for witnesses and processes in existing SGBV cases should continue where possible. Plans will need to be made for how to address unheard cases. Equally important will be ongoing trauma support for victims and witnesses, including the creation of centres for healing or spaces for women to gather, share their experiences and gain skills, such as that provided through the Village of Hope. In addition, advocacy and sensitization efforts around new laws should continue to target law enforcement officials, Government and community leaders, women beneficiaries and other key stakeholders. There is still strong cultural resistance to these changes, despite a positive national environment for promoting gender equality.

## Conclusion

Rwanda's use of a multi-tiered institutional response to justice for genocide crimes, which has included both international and local/ traditional mechanisms for justice, as well as the strong political will which has realized unprecedented gains for women in the public sphere and furthered gender justice efforts broadly, are important and unique sites of lessons for other post-conflict contexts. Good practice in the area of gender equality and legislative and institutional reform should not, however, come at the expense of specific justice for the horrific acts of SGBV committed during the genocide. Justice for these crimes has to date been limited, and without continued advocacy and support from both local and international civil society, all genocide-related justice institutions will soon close, leaving tens of thousands of cases of sexual vio-

lence unaccounted for. This must be a key area of monitoring, support and advocacy by all concerned in the coming years.

#### ENDNOTES

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- 15 Duggan et al., 'Reparations for Sexual and Reproductive Violence.'
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- 24 Jamesina King, 'Gender and Reparations in Sierra Leone: The Wounds of War Remain Open,' in Ruth Rubio-Marín, ed., *What Happened to the Women: Gender and Reparations for Human Rights Violations*, New York: Social Science Research Council, 2006.
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- 38 CDF Case (Appeal Judgment—May 28, 2008) at ¶ 451. The two accused were convicted by the Court of violence to life and health, pillaging and collective punishment at trial.
- 39 World Bank, Gender, Justice and Truth Commissions, Washington, DC: World Bank, 2006.
- 40 Yasmin Sooka had been a commissioner with the South African TRC.
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- 42 King, 'Gender and Reparations.'
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- 44 At the time of the research, none of the TRC recommendations had been implemented, causing great disillusionment and despondency among the people whom UNIFEM interviewed. Many felt that this was an indication that the TRC process had just been a symbolic and had not actually had any impact on the lives of the people in their daily struggle to survive and transcend the aftermath of the war.
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- 46 Mohamad Suma and Cristián Correa, 'Report and Proposals for the Implementation of Reparations in Sierra Leone,' International Center for Transitional Justice, December 2009, available online: [http://www.ictj.org/static/Africa/SierraLeone/ICTJ\\_SL\\_ReparationsRpt\\_Dec2009.pdf](http://www.ictj.org/static/Africa/SierraLeone/ICTJ_SL_ReparationsRpt_Dec2009.pdf).
- 47 The programme did in its later stages address this by permitting group disarmament so that a group of combatants could report to reception centers with a single gun, thereby allowing for more women to enter.
- 48 Dyan Mazurana and Khristopher Carlson, *From Combat to Community: Women and Girls of Sierra Leone*, Women Waging Peace Policy Briefing, January 2004.
- 49 See, <http://www.fambultok.org>.
- 50 Personal interview, female professional working in an international agency in Freetown, February 2008.
- 51 Personal interview, Aloysea Inyumba, Kigali, Rwanda, May 2007.
- 52 Among secondary school students, boys outnumbered girls nine to one and at a university level this rose to 15 to 1. Human Rights Watch, *Shattered Lives*.
- 53 For example, a recent study conducted by the Government asked women who had previously been subject to domestic violence if they would report the matter should it recur; over 70 per cent maintained that they would still not report the matter, and the key reason cited was lack of trust in security and justice institutions. Ministère du Genre et de la Promotion de la Famille, 'La violence contre les femmes,' Rwanda: MIGERPROF, 2004, available online: <http://www.grandslacs.net/doc/4030.pdf>.
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- 55 Perhaps the most disturbing and well-known case is that of Pauline Nyiramasuhuko, former Minister for Family and Women's Affairs, who is currently on trial before the ICTR. She is the first woman to be charged with genocide and rape as a crime against humanity. In testimony given at her trial, witnesses allege that she instructed members of the *Interahmwe* to "select the nicest" Tutsi women to rape and murder and to consider the rapes as a "reward" for their involvement in the killings. Donna Harman, 'A Woman on Trial for Rwanda's Massacre,' *Christian Science Monitor*, 7 March 2003.
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- 57 Nowrojee, "'Your Justice is Too Slow.'" .
- 58 Personal interview, UNIFEM staff, Kigali, February 2008.
- 59 Government of Rwanda, *Organic Law on the Organisation of Prosecutions for the Crime of Genocide or Crimes Against Humanity committed between October 1, 1990 and December 31, 1994*.
- 60 Amnesty International, 'Rwanda: "Marked for Death," Rape Survivors Living with HIV/AIDS in Rwanda,' Amnesty International, 2004, available online: <http://www.amnesty.org/en/library/info/AFR47/007/2004>. It is difficult to find the exact number of rape cases that have already been tried through domestic courts, however it has been described as an "extraordinarily small number of cases," particularly given the massive number of rapes actually perpetrated during the genocide. Human Rights Watch report, cited in Plan International, "Because I am a Girl: Report on the State of the World's Girls," 2008. Available at [http://www.humansecuritygateway.info/documents/PLAN\\_intheshadowofwar.pdf](http://www.humansecuritygateway.info/documents/PLAN_intheshadowofwar.pdf).
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- 64 The National Unity and Reconciliation Commission implements a variety of activities, including conducting research, organizing debates, reporting annually on the state of reconciliation and unity in the country and preparing and coordinating national programmes on unity and reconciliation.
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- 68 African Rights, 'Women Taking a Lead: Progress Towards Empowerment and Gender Equity in Rwanda,' 2004.



# 1325+10 WOMEN COUNT FOR PEACE



SECURITY COUNCIL RESOLUTIONS ON WOMEN, PEACE AND SECURITY: Gender-Sensitive Peacemaking, Peacekeeping & Peacebuilding

United Nations Development Fund for Women



1325

1889

1820

1888

## DESCRIPTION

First Security Council resolution to link women's experiences of conflict to the maintenance of international peace and security. Asserts women's leadership role in conflict-resolution, peace talks and recovery, requires build-up of gender response capability in peacekeeping missions and gender training for all involved in the maintenance of peace and security.

Presented by Namibia, 2000

Addresses women's exclusion from early recovery and peacebuilding and lack of adequate planning and funding for their needs. Asks for a strategy to increase numbers of women in conflict-resolution decision-making, and asks for tools to improve implementation: indicators and proposals for a monitoring mechanism.

Presented by Viet Nam, 2009

## Prevention of and response to conflict related sexual violence

First Security Council Resolution to recognize conflict-related sexual violence as a tactic of warfare and a matter of international peace and security, requiring a peacekeeping, justice, services and peace negotiation response.

Presented by the USA, 2008

Strengthens tools for implementing 1820 through assigning high-level leadership, building judicial response expertise, strengthening service provision, and building reporting mechanisms.

Presented by the USA, 2009

## ACTORS

### UN Secretary-General (SG) must:

- Increase numbers of women in UN decision-making on peace and security
- Ensure women participate in peace talks
- Provide information on women and conflict in country reports to the Security Council

### States must:

- Provide training on gender and conflict
- Address gender in Disarmament Demobilization and Reintegration programmes

### Parties to armed conflict must:

- Protect women from sexual and gender based violence (SGBV)
- Respect civilian character of refugee and IDP (Internally Displaced Persons) camps
- Prevent impunity and avoid amnesty for war crimes against women

### Security Council must:

- Take into account impact of its actions on women and girls
- Meet with women's groups on its missions

### UN Secretary-General must:

- Produce a strategy to increase numbers of female peacemaking and peace keeping decision-makers
- Ensure all country reports address gender, conflict and peacebuilding
- Produce a global report on women's participation in peacebuilding
- Enable UN entities to collect data on women's post-conflict situation
- Place gender advisors and/or women protection advisors in peacekeeping missions
- Produce a global set of indicators of implementation of 1325
- Propose a Council mechanism for monitoring 1325

### States must:

- Promote women's participation in political and economic decision-making from the earliest stage of peacebuilding
- Track money spent on women in post-conflict and recovery planning, invest in women's physical and economic security, health, education, justice, and participation in politics

### Security Council must:

- Add provisions for women's empowerment to mandate renewals for UN missions

### Peacebuilding commission must:

- Address women's engagement in peacebuilding

### UN Secretary-General must:

- Ensure sexual violence is addressed in conflict resolution as well as post conflict recovery efforts
- Raise the issue of sexual violence in dialogue with parties to armed conflict
- Ensure women are represented in peacebuilding institutions
- Ensure sexual violence is addressed in UN-assisted Demobilization, Disarmament, and Reintegration processes, and justice and security sector reform

### Parties to armed conflict must:

- Stop sexual violence, enforce command responsibility, and protect civilians from sexual violence including by vetting suspected perpetrators from armed forces and by evacuating civilians at risk
- Categorically prohibit amnesty for war crimes of sexual violence

### States must:

- Build awareness of and take steps to prevent sexual violence including through contributing women peacekeeping personnel
- Provide training to troops on prevention of sexual violence
- Apply policy of zero tolerance to acts of sexual exploitation and abuse committed by UN peacekeepers
- Develop measures to improve protection and assistance, particularly in relation to justice and health systems

### Security Council must:

- Address root causes of sexual violence to expose myths about the inevitability and non-preventability of sexual violence in war
- Include sexual violence as criteria in country-specific sanctions regimes if relevant

### Peacebuilding Commission must:

- Advise on ways to address sexual violence

### UN Secretary-General must:

- Appoint Special Representative of the Secretary General on UN response to Sexual Violence in Conflict
- Appoint women protection advisors to UN peacekeeping missions in contexts with high levels of sexual violence
- Establish a rapid response team of judicial experts
- Ensure that peace talks address sexual violence
- Appoint more women as mediators
- Propose ways the Security Council can improve monitoring and reporting on conflict-related sexual violence
- Make improvements in data on trends and patterns of sexual violence
- Provide details to the Security Council on parties to armed conflict credibly suspected of perpetrating patterns of rape

### UN Action against Sexual Violence in Conflict (a network composed of 13 UN entities) must:

- Build coherence in the UN's response

### States must:

- Improve national legal frameworks and judicial systems to prevent impunity
- Improve support services for sexual violence survivors
- Ensure traditional leaders prevent stigmatization of victims
- Support comprehensive national/UN strategies to stop sexual violence

### Security Council must:

- Raise sexual violence in designation criteria for sanctions committees

## FOCAL POINT/ LEADERSHIP WITHIN THE UN

Office of the Special Advisor on Gender Issues (OSAGI) coordinates the Inter-Agency Task Force on Women, Peace and Security, and is mandated to advise the SG on 1325 matters

No designated operational counterpart at country level

Introduction of possible new focal point for gender and peacebuilding issues: the Peacebuilding Commission

Mentions the Inter-Agency Standing Committee on Humanitarian Assistance, sub-Working Group on Gender

Department of Peacekeeping Operations best practices unit produced 1820 + 1 report in 2009

UN Action Against Sexual Violence in Conflict indicated as coordination resource

SRSRG to build coherence and coordination in the UN's response to conflict-related SV

Linked to UN Action Against Sexual Violence in Conflict for coordination and production of annual reports on 1820 and 1888

## MONITORING AND REPORTING MECHANISM

The System-wide Action Plan lacked—up to 2010—agreed indicators for results monitoring. Focuses on UN system-wide implementation plans rather than on 'violation' of resolution.

Informal reviews: Open Debate every October, and informal Council meetings on the subject.

Call for global indicators will create foundation for effective monitoring tool. Will need commitment of UN entities to populate with data and monitor, and commitment from Member States to monitor indicators relevant at the country level.

No formal mechanism but invites proposals for review procedure and mechanism [OP 18].

Annual report (but no clear monitoring and reporting parameters)

Monthly consideration by the Security Council expert group on Protection of Civilians [which is briefed by the Office for the Coordination of Humanitarian Affairs]

Invites a proposal on monitoring and reporting mechanism.

Annual report to provide details on perpetrators, i.e.: a name and shame mechanism.

Links to the Monitoring and Review mechanism for the Children and Armed Conflict resolutions (1612 and 1882).

## ACCOUNTABILITY MECHANISM (consequences for violating the resolution)

None. No reference to sanctions for perpetrators; (only mentions impact of sanctions on women [OP 14])

Tentative on amnesty—parties urged to avoid giving amnesty for war crimes against women "where feasible" [OP 11]

None—but calls for recommendations in 2010 on how Council will receive, analyze, and act upon information on 1325; in short, invites proposals on a Council system of implementation [OP 18]

Sexual violence relevant to country-specific sanctions regimes [OP 5]

SG to develop a strategy for addressing SV in dialogue with parties to armed conflict [OP 3]

Categorical exclusion of sexual violence crimes from amnesty provisions [OP 4]

Sanctions committees must add criteria pertaining to acts of rape and other forms of sexual violence [OP 10]

Report naming perpetrators to be reviewed in Council [OP 26]

National and local leaders, including traditional/religious authorities, to combat marginalization and stigmatization of survivors [OP 15]

## RESOURCES

[www.unifem.org/1325plus10](http://www.unifem.org/1325plus10)

[www.stoprapenow.org](http://www.stoprapenow.org)

1325+10