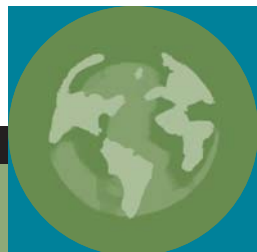




INCLUSIVE SECURITY,
SUSTAINABLE PEACE:
*A Toolkit for
Advocacy and Action*





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Conflict escalates long before the first guns are fired and does not end with the signing of peace agreements. To avoid the outbreak or resurgence of violence, it is necessary to strengthen the governance, security, justice and socioeconomic capacities of a state so that social and political conflicts can be resolved non-violently. This is a complex task in any society and particularly daunting in situations where violence and oppression have been the norm. While the international community can provide assistance and valuable resources, the local population, which has no “exit strategy,” has the greatest commitment to building a sustainable peace. It is therefore essential to draw on the assets, experiences and dedication at the local level and among all sectors of society.

An inclusive approach to security means that peace processes must include women who, although they are key actors, are often overlooked and underestimated. In most conflict situations, women constitute more than 50 percent of the adult population and are actively engaged in peacebuilding while addressing the basic survival needs of their families and communities. Their contributions at local, national and international levels are critical to sustainable peace. Yet historically women have been portrayed as passive victims with little regard given to their actual and potential roles in promoting peace and fostering security. In October 2000, for the first time in its history, the United Nations Security Council acknowledged that women have a key role in promoting sustainable peace by unanimously adopting Resolution 1325 on Women, Peace and Security. It calls on all actors to ensure women’s participation in peace processes from the prevention of conflict to negotiations to post war reconstruction. Similar resolutions have been passed by other multilateral organisations, including the G-8, the European Union, the Organization of American States and the Organization for Security and Cooperation in Europe.

International Alert’s *Gender and Peacebuilding Programme* and Hunt Alternatives Fund’s *Women Waging Peace* have been at the forefront of this advocacy agenda. It is with great pleasure that we collaborated to produce this resource, which draws on years of programmatic work and research by both organisations.

The development of this Toolkit would not have been possible without our partnerships and associations with women activists, scholars and officials in conflict areas around the world. Quite simply, we know what we know because they have taught us. We hope that this will become an additional tool with which they can pursue their goals.

To our friends and partners around the world—this resource is dedicated to you. We hope that it honours your work effectively.

In pursuit of inclusive and sustainable peace,



Dan Smith, Secretary General
International Alert



Swanee Hunt, Chair
Women Waging Peace

November 2004

Who We Are

INTERNATIONAL ALERT

International Alert (IA) works to build a just and lasting peace in areas of violent conflict. This international non-governmental organisation (NGO) based in London was established in 1985 by a group of human rights advocates that included Martin Ennals, former Secretary General of Amnesty International, in response to the rise in conflict within countries and the subsequent abuse of individual and collective human rights in conflict situations. There remains today a pressing need for the inclusion of both men and women in conflict resolution and peacebuilding efforts. IA's *Gender and Peacebuilding Programme* works to ensure that gender perspectives and practical realities inform the implementation of gender-aware international, regional and national peace, security and development policies in order to protect human rights and promote sustainable peace through gender equality for men and women. Visit www.womenbuildingpeace.org or www.international-alert.org for more information.

WOMEN WAGING PEACE

Women Waging Peace (Waging), an operating programme of Hunt Alternatives Fund, advocates for the full participation of women in formal and informal peace processes around the world. More than 250 women peacebuilders in the Waging network—all demonstrated leaders with varied backgrounds, perspectives and skills—bring a vast array of expertise to the peacemaking process. They have met with over 3,000 policy shapers to collaborate on fresh, workable solutions to long-standing conflicts. Waging's Policy Commission is researching and documenting women's activities in conflict prevention, negotiation and post-conflict reconstruction; these studies provide models to encourage policymakers to include women and gender perspectives in their program designs and budgets. Visit www.womenwagingpeace.net for more information.

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The agencies above welcome and encourage the utilisation and dissemination of the material included in this Toolkit.

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The Initiative for **Inclusive Security**

A Program of Hunt Alternatives Fund

FOREWORD TO THE TOOLKIT UPDATED EDITION

The Initiative for Inclusive Security (formerly Women Waging Peace) is pleased to present an update to *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*. Since the Toolkit was published with International Alert in 2004 there have been many developments in the world of women, peace and security. Some of these developments reinforce concepts outlined in the Toolkit. In other instances, new ideas have been tested that deserve further documentation. Similarly, some world events have a direct connection to the principles advocated in the Toolkit. Some, such as the election of Liberian President Ellen Johnson Sirleaf (the first democratically-elected female national leader in Africa) are simply so exciting that they deserve special attention.

In this annex we provide: updates on changes in international, national and regional policies and organisations; very recent examples of women's leadership worldwide and new programs and initiatives developed through women's efforts. These additions augment ideas that have made *Inclusive Security, Sustainable Peace* a vital resource for academics, policymakers, NGOs and women leaders around the world.

December 2007

CHAPTER ONE: INTRODUCTION

KEY INTERNATIONAL POLICIES AND LEGAL MECHANISMS: WOMEN'S RIGHTS IN THE CONTEXT OF PEACE AND SECURITY (P. 15)

International policies and legal mechanisms continue to progress in favor of women's inclusion. National governments, multilateral organisations, financial institutions, and regional bodies recognize the importance of women's participation at all levels of peace processes. These policies hold governments accountable for including women in peace processes.

G-8 (p. 19)

- Gender equality was highlighted as a pathway to development and good governance at the 2007 G8 Summit in Germany. Several measures were put forward that focus on the vital role of women, including the empowerment of women through education and economic programs, fighting the rise of HIV/AIDS in women and girls, protecting women's human rights, and working toward the prevention of sexual violence.¹

Southern African Development Community (p. 23)

- The Southern African Development Community (SADC), comprised of 14 member states, endorsed a Gender Protocol in July 2007 that requires governments to promote women's empowerment. The protocol includes implementation of gender equality in areas such as constitutional rights, education, governance, conflict resolution, the media and

employment. As of 2005 three countries in SADC had attained 30 percent participation of women in decision-making structures as outlined in the 1997 SADC Declaration of Gender and Development.²

HUMAN RIGHTS (P. 28)

Women's inclusion in peace and security is increasingly promoted under the larger umbrella of human rights. International policies and legal mechanisms that advance human rights often contain specific language and provisions that address women's empowerment. Multilateral institutions which protect and govern human rights place a special emphasis on the rights of women.

Addressing Human Rights During Conflict: What Laws Exist? (p. 32)

- Over 15 African countries have now ratified the 2003 Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. The first countries to ratify the protocol were Cape Verde, The Comoros, Djibouti, Gambia, Lesotho, Libya, Malawi, Mali, Namibia, Nigeria, Rwanda, Senegal, South Africa, Benin and Togo. Countries ratifying the protocol commit to combat all forms of discrimination and violence against women.³
- UNIFEM reported in November 2006 that the number of countries with laws addressing domestic violence had increased to 89, up from only 45 in 2003. Funding for initiatives fighting gender-based violence, such as the UN Trust Fund to End Violence Against Women, increased dramatically as well. In 2006, the UN Trust Fund supported initiatives with \$4 million, double the 2005 amount.⁴

Addressing Claims and Enforcing Laws: What Mechanisms Exist – International Level (p. 36)

- As of March 2006, 182 countries (over 90 percent of UN member states) are party to CEDAW; 78 of those have adopted CEDAW's Optional Protocol, which outlines a process for filing claims of sexual discrimination.⁵
- In March 2006 the UN Human Rights Council (UNHRC) replaced the UN Commission on Human Rights. UNHRC has 47 member states and a slightly broader mandate than the Commission. On 28 March 2007, 56 UN member states asked that gender integration be included in the Council's permanent agenda.⁶

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CHAPTER TWO: CONFLICT PREVENTION, RESOLUTION AND RECONSTRUCTION

CONFLICT PREVENTION (p. 1)

Women have traditionally played important roles in conflict prevention and resolution. Today they are expanding those roles, becoming significant arbiters of conflict not just within communities, but between states and warring parties as well. Women in civil society are finding new and creative ways to prevent conflict.

upon to participate in negotiations. Even when excluded from formal negotiations, women are using alternative channels to contribute to negotiations and their outcomes. Gender “units” or “support teams” are often convened in parallel to negotiations and their input fed into the talks by a special representative or member of the negotiating team. This allows for a more inclusive process when formal participation cannot be achieved.

Effective Response (pp.9 – 12)

- **Burma:** The Women’s League of Burma focuses on community reconciliation by facilitating local dialogue. Small group discussions and workshops build trust and understanding among various groups of women, families, communities and political groups. Over 800 women have participated in the League’s “Women as Peace Builders,” program to enhance communication among ethnic groups. The League has received numerous awards for challenging human rights violations in a country known for its repressive military dictatorship.¹
- **Macedonia:** At the University of Skopje, a group of women direct the Center for Human Rights and Conflict Resolution. The Center fosters reconciliation by training teachers and bringing together educators and researchers to agree on a common history of the Macedonian conflict. This history will assist in the healing process and in preventing future conflict.²

Participants at the Table (pp. 20 – 21)

- **Sudan:** In December 2005 a team of 15 women called the Gender Expert Support Team attended the 7th round table of African Union peace talks regarding the conflict in Sudan. Hailing from three different regions of Darfur, the women have diverse professional backgrounds and worked together to engender the Darfur Peace Agreement.³

Women as Conveners and Catalysts (pp. 24 – 25)

- **Uganda:** The Uganda Women Coalition for Peace is a coalition of non-governmental women’s and human rights organisations pushing for women’s inclusion in the Juba peace talks.
- **Israel/Palestine:** In 2005 a group of Israeli, Palestinian and international women founded the International Women’s Commission for a Just and Sustainable Palestinian-Israeli Peace (IWC), with the goal of ensuring implementation of UN Security Council (UNSC) Resolution 1325 in all phases of the Israeli-Palestinian peace process. The IWC’s members are prominent women from

PEACE NEGOTIATIONS AND AGREEMENTS (p. 16)

Peace agreements are becoming more gender-sensitive as women are more frequently called

civil society, politics and academia committed to a sustainable and peaceful solution to the conflict. They believe such a solution will not be possible without the active involvement of women from both parties and the international community.

PEACE SUPPORT OPERATIONS (p. 33)

As peace support operations grow in number and mandate, more international bodies are making efforts to include women in the design and implementation of peace support initiatives. Incidents of peacekeepers engaging in sexual and gender-based violence have spurred policymakers to address gender more thoroughly in training of peacekeepers and to specifically seek female recruits for peace operations. Despite significant strides in this area, the field still lacks a model for the inclusion of women in recruitment and engagement with peace support personnel.

Peace Support Operations and Mandates (p. 34)

- Since 2004 the UN has added the following peace support operations:

Who is Involved in Peace Operations? (p. 35)

- In 2006 the **United Nations** formed the UN Peacebuilding Commission to combine its broad capacity and experience to advise and propose integrated strategies for post-conflict recovery.⁴ The commission was formed as part of a broader push for UN reform, stemming from the failure of the UN to prevent the invasion of Iraq in 2003. The commission will choose four to six countries in which to operate each year.⁵
- In an effort to implement UNSC resolution 1325, the UN established gender units in all multidimensional peacekeeping operations as well as appointing a gender adviser at headquarters. Out of 18 UN peace operations, 10 have full gender advisory capacity. The remaining missions have gender focal points, meaning that otherwise employed full-time mission staff are responsible for gender-related aspects of the mission as well. The UN has also developed resources to aid in gender mainstreaming in peacekeeping missions.⁶
- As of April 2007, women constitute only 6 percent of police personnel within UN missions⁷ and only 2 percent of UN mission military personnel.⁸

Region	Operation Country	Mandate
Africa	Chad and Central African Republic	To help create security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons to Darfur.
	Darfur (joint with the African Union)	To support the implementation of the Darfur Peace Agreement and to protect its personnel and civilians.
	Sudan	To support implementation of the Comprehensive Peace Agreement between the Government of Sudan and the Sudan People’s Liberation Movement, and to support humanitarian assistance and protection and promotion of human rights.

The Resources for Peace Support Operations (p. 36)

- Since 2004 the **US Department of State** has awarded DynCorp International several new contracts to recruit and train military and police in countries such as Liberia, Iraq and Afghanistan. The Department of State values the Iraqi contract at over \$1.2 billion.⁹ Two other US contractors, Pacific Architects and Engineers, Inc. (PAE) and Civilian Police International LLC, also provide recruitment and training services for security personnel in Haiti, Liberia, Kosovo and other countries.

Accountability of Peace Support Operations to Local Populations (p. 37)

- In 2005, responding to evidence of grave sexual misconduct by UN forces in the Democratic Republic of Congo and elsewhere, Secretary General Kofi Annan requested a report on preventing sexual exploitation and abuse in peacekeeping operations. The report, authored by Jordanian Permanent Representative Prince Zeid Ra'ad Zeid Al-Hussein, was delivered to the General Assembly in March 2005. It called for increased accountability for the UN, troop-contributing countries and individual peacekeepers.

Structures in Peace Support Operations Addressing Gender and Women (pp. 37 – 38)

- **Liberia:** In 2006 the first all-female Formed Police Unit (FPU) of the UN was deployed to Liberia. The policewomen are part of the Central Reserve Police Force (CRPF) in India and were specifically requested after previous forces had difficulties dealing with women and women's issues.¹⁰ Shortly after arriving in Liberia, the FPU's professionalism and

competence earned it the additional duty of providing security to President Ellen Johnson Sirleaf. In 2007 the unit's term was extended from six months to one year.

- **Sudan:** In 2005 the United Nations Security Council passed UNSC Resolution 1590 which specified the need to include women in the process of national reconciliation, and recognized the special needs of women and children combatants in the disarmament, demobilisation and reintegration program. This was the first time in the history of UN peacekeeping missions that women's inclusion was part of the mandate of a mission. Partially as a result of this resolution, a Gender Unit was established within the United Nations Mission in Sudan (UNMIS) to gender mainstream all aspects of the mission. The Gender Unit provides training on gender issues for UNMIS staff, supports the governments and people of Sudan to advance gender equality and is developing a specific gender action plan for Darfur, which will address the high level of gender-based violence.¹¹

***POST-CONFLICT RECONSTRUCTION* (p. 51)**

The key development processes that govern post-conflict reconstruction are also becoming more gender sensitive. The international community is beginning to recognize and fill the need for increased women's participation in the planning and execution of post-conflict reconstruction. By intervening at crucial points in development planning, women are becoming more effective and valued in rebuilding conflict-torn nations.

Who and What is Involved in Post-Conflict Reconstruction? (p. 52)

- **The World Bank:** In 2006 the World Bank established a four-year Gender Action Plan. The

plan targets infrastructure, agriculture, private sector development and finance programs to advance the economic empowerment of women. Institutional gender mainstreaming within the World Bank and the International Finance Corporation is emphasized, as is the importance of funding results-based programs.¹²

UN Department of Peacekeeping Operations (p. 55)

- In January 2007 UN Secretary-General Ban-Ki Moon proposed splitting the Department of Peacekeeping Operations into a Department of Peace Operations and a Department of Field Support, and creating an Office for Disarmament Affairs to replace the Department for Disarmament Affairs. The General Assembly approved the restructuring, which became effective in mid-2007.

Influencing National Policies and Budgets (p. 63)

- **Liberia:** On 12 February 2007 The Initiative for Inclusive Security, in partnership with the United Nations Development Fund for Women (UNIFEM) and the World Bank, hosted 18 Liberian women government and civil society leaders for a one-day symposium on gender in Washington, DC. The symposium provided an important opportunity to ensure that Liberian women are full partners in their country's reconstruction, and was held in parallel with the World Bank-sponsored Liberia Partners' Forum, a donor conference. As a result, women's groups in Liberia have held extensive consultations to provide input into the Poverty Reduction Strategy, the blueprint for the country's economic development.
- **Sudan:** In 2005, in conjunction with the Oslo donor conference following signing of

the Comprehensive Peace Agreement, the Government of Norway, the Norwegian Institute of International Affairs (NUPI) and UNIFEM organized a symposium on women's rights and leadership in post-conflict Sudan. The symposium issued groundbreaking recommendations for increasing women's roles in governance, institutional development, economic policy and social services.¹³

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CHAPTER THREE: SECURITY ISSUES

DISARMAMENT, DEMOBILISATION AND REINTEGRATION (p. 1)

The international community and individual countries are making efforts to ensure that disarmament, demobilisation and reintegration (DDR) programs take into account the experiences and needs of female ex-combatants and the contributions of women in the communities of reintegrated individuals who are mostly men. Advances in UN policy on DDR are gaining momentum as international bodies recognize the shortcomings of previous programmes and come up with innovative improvements.

Who Designs and Implements DDR? (p. 2)

- **Great Lakes Region:** The Multi-Country Demobilisation and Reintegration Program (MDRP) is a multi-agency effort supporting demobilisation and reintegration in the Great Lakes region in Africa. Following a 2005 consultation on gender and DDR with UNIFEM and female ex-combatants from the region, the MDRP established a gendered approach to DDR. MDRP now takes a gender-sensitive approach to address the specific needs of men, women, boys and girls to continue their efforts of successful reintegration.¹

How is DDR Conducted? (pp. 2 – 4)

- In December 2006 the UN published the *Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS)*, a comprehensive set of policies, guidelines and procedures covering 24 areas of DDR. The IDDRS consolidate policy guidance on

DDR, providing a United Nations-integrated approach on the planning, management and implementation of DDR processes, and were developed by an inter-agency working group including UNIFEM.²

What is the Impact of DDR on Women? (pp. 4 – 5)

- In May 2006 UN Secretary-General Kofi Annan issued a report of lessons learned from UN involvement in DDR processes. Among the lessons learned was a failure to recognize the diversity of people and their roles within armed groups when registering ex-combatants. Women often did not receive DDR assistance packages because they were forcibly recruited or played a support rather than a combat role. When women do receive DDR support, it is usually in the form of a generic benefit bundle more suitable to male ex-combatants. The Secretary-General's report on DDR also raised the need to address sexual and gender-based violence and its convergence with HIV/AIDS in DDR programs. An inter-agency working group was formed as a result of this report, with a mandate to address the issues raised in the report, including attention to gender and DDR, and to establish standards for DDR programs.³
- **Central African Republic:** In July 2005 ex-combatants in the northwestern part of the country began to participate in the DDR program conducted by the United Nations Development Program. In just one month in the capital of Bangui, 733 ex-combatants were demobilised, including 314 women. While success or failure of the DDR effort to accommodate female ex-combatants is not yet known, a regional conference on DDR attended by the Central African Republic decried the lack of knowledge on how to best

support the needs of atypical ex-combatants such as women and children.⁴

- **Colombia:** The DDR process involving the paramilitary United Self Defenses of Colombia (AUC) did not plan for women in the demobilised groups, despite an estimated 7 percent of women in paramilitary ranks. It is yet to be seen if women combatants will bode better in the peace process with the two largest guerrilla groups, the National Liberation Army (ELN) and the Revolutionary Armed Forces of Colombia (FARC), where the number of female combatants is estimated at around 30 percent and up to 40 percent, respectively.
- **Democratic Republic of the Congo (DRC):** During a conference on DDR in June 2007 a broad representation of Congolese stakeholders highlighted the treatment of female ex-combatants as a key issue to be addressed in the disarmament process. Over 130,000 ex-combatants have been demobilised thus far in the DRC, of which 2,610 were women. It is estimated that the former figure is only about one-third of total combatants.^{5,6}

SMALL ARMS, LIGHT WEAPONS AND LANDMINES (P. 11)

Although the international community is beginning to change the way it treats the issues of small arms, light weapons and landmines, a gendered approach to these efforts has yet to materialize. Governments and international donors are putting resources into raising awareness of these tools of conflict, but few programmes consider how to specifically target females. Women's civil society organisations are taking an active role in ridding their communities of weapons of war and healing the trauma these weapons have caused.

Recovering Stocks (pp. 16 – 18)

- **DRC:** In the northeastern section of the country, the United Nations Mission in Congo held a ceremony at which over 55,000 munitions were destroyed in May 2007, most handed over by the more than 22,000 adult ex-combatants who disarmed in the area. At least 100,000 arms have been recovered, along with 1,000 landmines. The ceremony was hailed by former fighters as well as the Forum des Mamans de l'Ituri, a platform of local NGOs for women.⁷

Mine Action (pp. 18 – 20)

- **Tajikistan:** Tajikistan has the highest number of landmines in Central Asia, with more than 25,000 square kilometres of land in need of mine clearance. From 1992 to 2007 more than 600 people were killed or injured by landmines. In general, men have left the countryside to search for work, leaving the women and children to cultivate the land and collect firewood, placing them at highest risk for landmine accidents. The country hopes to be mine-free by 2010. The government is undertaking mine awareness education in schools and community centers.⁸
- The **UN** has an inter-agency mine action strategy for the years 2006 to 2010. Included in this strategy are objectives such as reducing deaths and injuries caused by landmines or explosive remnants of war (ERW) by at least 50 percent, mitigating the risk to community livelihoods, expanding freedom of movement, and integrating mine-action needs into national development and reconstruction plans.⁹

Why Should Women Be Involved in Practical Disarmament? (pp. 20 – 21)

- **India:** In the northeastern state of Manipur, over 10,000 people have been killed due to armed violence. The Manipuri Women Gun Survivors Network was established by women to heal the scars that gun violence caused to their community. The Network gives grants to women who are the primary sources of income in their households following the death of their partner during the war. The Network sponsors education and support for children of survivors, and raises awareness of the effects of gun violence in the community.¹⁰

SECURITY SECTOR REFORM (p. 31)

Although international bodies and national governments are beginning to recognise the importance of involving women in security sector reform, strategies remain nascent. Little is known about how to effectively bring women into reform processes, and civil society has yet to significantly mobilise around this issue. Despite these challenges, the number of women in security forces is on the rise, and important international actors are making preliminary efforts to ensure women's inclusion. Documentation and learning from these efforts are critical for real change to occur.

Women in Security Forces (p. 35)

- **Bangladesh:** Since the first deployment of female police officers in peacekeeping operations, other women police have expressed interest and excitement at the possibility of serving in missions abroad. The Bangladeshi government is encouraging women's recruitment and deployment.¹¹
- **Liberia:** The all-female Formed Police Unit from India has been a success, with its initial

six-month deployment extended to a full year. The women are part of India's Central Reserve Police Force and have experience from conflicts in Kashmir and northeast India. The unit has given talks to Liberia's female police cadets and has also conducted drug raids.¹² The head of the unit, Seema Dhundia, reports that its presence has resulted in an increased number of Liberian women volunteering for the national security forces.¹³ That being said, the policewomen are frustrated that they are not being put in situations as challenging as they are accustomed to back home; women's brigades in other countries might face the same unconscious discrimination. This unit will be replaced by another all-women Indian force when their tour is up.

- **Liberia:** Ellen Johnson Sirleaf's administration is pushing for women's inclusion in police and armed forces, setting targets of 20 percent for women's recruitment. The United Nations Mission in Liberia is assisting in this effort through recruitment campaigns for the national police that specifically target women. The Liberian Ministry of Education is offering an accelerated learning program so female police recruits can attain the minimum education requirement for service while completing their regular training regimen.
- The US Department of State's Bureau for International Narcotics and Law Enforcement Affairs (INL) held a conference in conjunction with The Initiative for Inclusive Security in June 2007 to address how to better recruit and retain women for international civilian police missions. The conference generated several recommendations, including devising specific incentives for women and rewarding contractors' efforts to recruit women. According to INL officials, the agency implemented several of these recommendations before the end of 2007.

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CHAPTER FOUR: JUSTICE, GOVERNANCE AND CIVIL SOCIETY

TRANSITIONAL JUSTICE AND RECONCILIATION (P. 1)

Much has been learned about the value of including women in transitional justice mechanisms, particularly from South Africa. Many other national transitional justice bodies and the international donors who support them are committed to ensuring that gender is an integral part of justice and reconciliation.

Who is Involved in Transitional Justice Mechanisms? – At the National Level (pp. 3 – 8)

- **Liberia:** The Liberian Truth and Reconciliation Commission (TRC) was inaugurated in 2006 with the goal of unifying the people of Liberia, healing the country and creating an accurate record of the abuses perpetrated during the civil war. Four of nine commissioners are women. The Commission will document all human rights violations and validate all testimonies, including soliciting statements from the diaspora. The TRC is mandated to give special attention to the most vulnerable groups, including women, children and the elderly.¹
- **Colombia:** In 2005 the Colombian congress passed the controversial Justice and Peace Law (JPL) which regulates the disarmament, demobilisation and reintegration of members of the paramilitary United Self-Defenses of Colombia (AUC). The law also established mechanisms for reparations to victims as well as a limited system of judicial accountability for AUC leaders. Many women's groups work with government, civil society and international institutions to advocate for gender-sensitive implementation of JPL, assisting women through the reparations claim process,

advocating for effective protection for witnesses and victims and participating in sensitisation workshops for judges and prosecutors.

Women as Judges and Commissioners (p. 9)

- **Colombia:** The 2005 Justice and Peace Law established a transitional justice process to address crimes committed by paramilitary groups, while offering reduced sentences to those who confess and forfeit their assets for reparations to victims. The law also created the National Commission for Reparations and Reconciliation (NCRR), a semi-governmental body that includes civil society and government representatives. In 2006, following intense advocacy from women's groups and from two of the four female commissioners of the 13-member NCRR, a unit on gender and minorities was established to advocate for gender-sensitive implementation of the JPL. Among other achievements, the unit created a set of gender-sensitive criteria for reparations in 2007.

Women as Witnesses (pp. 9 – 10)

- **Colombia:** Under the Justice and Peace Law's transitional justice mechanism, as of October 2007, women filed 90 percent of the criminal claims against paramilitary combatants.

CONSTITUTIONAL RIGHTS AND LEGISLATION (P. 16)

Increasingly, constitutions and legislation are protecting and advancing women's rights. Due in part to pressure from civil society and the

international community, national governments are passing legislation and changing constitutions to ensure women's rights are protected and women are included in government structures and decision-making bodies. Women in government leadership positions are also promoting women-friendly legislation.

How Can Women Promote Gender Equality Through Legislation? (pp. 27 – 30)

- **Sierra Leone:** In 2007 Sierra Leone passed the Registration of Customary Marriages and Divorce Act, the Domestic Violence Act and the Devolution of Estates Act, known collectively as the “Gender Bills,” designed to empower women and girls. The Registration of Customary Marriages and Divorce Act protects girls from underage forced marriage and also ensures equal protection to men and women after divorce. The Domestic Violence Act categorizes domestic violence as a crime and provides protection to victims. The Devolution of Estates Act provides women and children with inheritance rights and no longer allows “widow inheritance,” which required widows to marry the eldest brother of the deceased. These three laws continue to move Sierra Leone closer to compliance with international human rights standards.²
- **Chile:** Under the leadership of its first female president, Michele Bachelet, who was elected in January 2006, Chile passed legislation allowing women to breastfeed at work, established domestic violence shelters for women and children and created stiffer penalties for men who fail to pay alimony.³
- **Israel:** The Knesset (or parliament) passed a law in 2005 requiring the inclusion of women in peace negotiation teams and in all domestic, foreign and security policymaking. This was in part due to the diligence of Isha L'Isha's Women Leading Peace project, which strives for the full implementation of United Nations Security Council Resolution 1325 in Israel.⁴
- **Liberia:** A new rape law was passed in 2006 thanks to the diligence of the Association of Female Lawyers in Liberia. The law broadened the definition of rape to include penetration with foreign objects and raised the definition of a child to anyone under the age of 18.
- **Palestinian Authority:** In 2005 the Palestinian National Authority issued a presidential decree supporting women's full participation in all peace-building efforts. The decree specifically encourages Palestinian women to participate in peacemaking through the International Women's Commission for a Just and Sustainable Palestinian-Israeli Peace.
- **Rwanda:** In August of 2006 the Forum of Female Rwandan Parliamentarians (FFRP) introduced into parliament a progressive gender-based violence bill. This was the first piece of legislation in Rwanda to originate in the legislative rather than the executive branch. The FFRP included men in all phases of the law-making process, from public consultations in which parliamentarians discussed the issue of gender-based violence, to the introduction of the bill in parliament.

DEMOCRACY AND GOVERNANCE (P. 36)

Women are increasing their numbers in formal government structures around the world, albeit with substantial variation across regions and countries. Post-conflict countries are among those with the highest percentage of women in government, as the transition from violence to stability offers a rare opportunity to boost women's participation. Women also are becoming more effective participants in formal decision making, partially by working together across party lines to advance broad social agendas.

Regional Averages of Women in Parliament⁵

As of 31 July, 2007	Single House or lower House	Upper House or Senate	Both Houses combined
Nordic countries	41.6%	---	41.6%
Europe - OSCE member countries including Nordic countries	21.1%	17.4%	20.3%
Americas	19.4%	17.3%	19.1%
Europe - OSCE member countries excluding Nordic countries	19.0%	17.4%	18.6%
Sub-Saharan Africa	17.0%	20.7%	17.5%
Asia	16.6%	16.5%	16.6%
Pacific	12.6%	31.8%	14.7%
Arab States	9.5%	6.3%	9.0%

Regions are classified by descending order of the percentage of women in the lower or single House

Who Designs and Implements Governance Programmes? (p. 43)

- The North Atlantic Treaty Organization (NATO) is increasingly involved in the security and reconstruction of **Afghanistan**. NATO countries often take the lead in their respective areas of responsibility through Provincial Reconstruction Teams (PRT).

5. Promote gender equality in disaster risk reduction: Value women's knowledge and experience
6. Ensure gender-responsive recovery: Support men and women to build back better
7. Transform government to deliver for women: Include women's issues in the national agenda
8. Develop capacities for social change: Work together to transform society

What International Policies Exist to Advance Women's Participation in Good Governance? (pp. 43 – 44)

- In 2006 the **United Nations Development Program (UNDP)** issued an eight-point agenda to mainstream gender in its post-conflict recovery programmes. The eight points are:
 1. Strengthen women's security in crisis: Stop violence against women
 2. Advance gender justice: Provide justice and security for women
 3. Expand women's citizenship, participation and leadership: Advance women as decision makers
 4. Build peace with and for women: Involve women in all peace processes

How Do Women Contribute to Good Governance? (pp. 44 – 45)

- **Brazil:** The women's caucus in Brazil worked together to introduce a bill on violence against women, using public hearings throughout the country to build broad support for the legislation. The bill became law in August 2006.⁶
- **Chile:** Michelle Bachelet was elected the first female president of the country and assigned an initial cabinet of 50 percent men and 50 percent women. Since then political issues have caused a cabinet reshuffle, resulting in the replacement of two female ministers with men.⁷
- **Colombia:** Female legislators created a women's caucus in July 2006 despite a climate of intense

political opposition. With 16 senators and 17 deputies as of November 2007, the caucus covers a wide political spectrum. Members have made important strides in working together toward the common goal of women's rights and representation.⁸

- **Congo:** The presidential and legislative elections of July 2006 resulted in only 8.4 percent female representation in Congo's lower house and 4.6 percent in its upper house.⁹ Despite the low number of women elected in the legislature of DRC, women were heavily involved in the election process. Four women ran for president and 1,311 women candidates ran for legislative positions, at least two women for every seat. Women also participated extensively as observers, monitors, electoral assistants and witnesses of candidates with a near equal number of women and men working at the polling stations.¹⁰
- **India:** On 21 July 2007 the country elected its first female president, Pratibha Patil. Indira Gandhi was the nation's first female prime minister, a more powerful position (1966-1977; 1980-1984).¹¹
- **Liberia:** In January 2006 Ellen Johnson Sirleaf was inaugurated as the first female president in the nation. She became the first woman head of state in Africa and the second black woman in the world elected as a head of state. She garnered much of her support in the election from women voters, who were mobilised by an extensive network of women's organisations. President Johnson Sirleaf aims to rebuild her country, reconcile its people and promote the leadership of women.¹²
- **Sudan:** In 2007 a national women's caucus was formed within the Government of National Unity. The women's caucus is the only cross-party grouping of parliamentarians in Sudan's assembly.

CIVIL SOCIETY (P. 48)

Women have made significant strides in most societies over the last century, increasingly assuming leadership roles, particularly in civil society. The election of Ellen Johnson Sirleaf and Michelle Bachelet as heads of state, and of Angela Merkel as chancellor, are major victories for women in government. Civil society has captured far more women leaders than the government or private sector. As leaders of civil society organisations, women advocate not just for women's rights; their work addresses a wide range of issues, thus translating their unique perspective into advocacy and action.

Women's Solutions and Activities in Conflict-Affected Societies (pp. 56 – 59)

- **Israel/Palestine:** In 2005 a group of Israeli, Palestinian and international women founded the International Women's Commission for a Just and Sustainable Palestinian-Israeli Peace (IWC), with the goal of ensuring implementation of UN Security Council Resolution 1325 in all phases of the Israeli-Palestinian peace process. The IWC's members are prominent women from civil society, politics and academia committed to a sustainable and peaceful solution to the conflict. They believe such a solution will not be possible without the active involvement of women from both parties and the international community.
- **Liberia:** Women's organisations in Liberia coordinate their activities and advocate for a common agenda through the Women's NGO Secretariat, an umbrella organisation for women's groups. This forum gives women's organisations the space to work together across political and ethnic divides, and provides financial and technical support for various national women's groups.

- **West Africa:** The Mano River Peace Network (MARWOPNET) includes Sierra Leone, Liberia and Guinea. MARWOPNET collaborated with the Network of Women Ministers and Parliamentarians (NEWMAP) in Sierra Leone to emphasize the needs of women in their country. They have been specifically working to reduce maternal mortality rates and incidents of gender-based violence, as well as advance women's legal rights and protection from discrimination. As illustrated by the laws recently passed (see above), this collaboration among women in civil society and legislatures is an effective combination.¹³
- **Colombia:** In 2005 Patricia Buriticá Céspedes, president of the Iniciativa de Mujeres por la Paz, was appointed to the National Commission for Reparations and Reconciliation (NCRR). At NCRR she has achieved greater inclusion of women and women's priorities, including the creation of a unit devoted to women and minorities and gender-sensitive criteria for reparations.

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CHAPTER FIVE: PROTECTING VULNERABLE GROUPS

REFUGEES AND INTERNALLY DISPLACED PERSONS (P. 1)

Women make up the majority of refugees and IDPs and are most vulnerable to further abuses in camps. Early relief operations that provide services to these populations have yet to establish a model to address gender and ensure women have a voice in camp decision-making and in return policies.

Who Provides Protection and Assistance to Refugees and IDPs? (pp. 5-6)

- In 2006 UNHCR provided assistance to 4.5 million refugees (out of 9.9 million), 733,622 recently returned refugees, 5.8 million stateless persons and 12.8 million IDPs. The number of “people of concern” for UNHCR was 32.86 million worldwide. About 49 percent of the refugee population is female. Over 40 percent of refugees are in Asia, 32 percent in Africa, 20 percent in Europe, about 0.5 percent in Latin America and the Caribbean, more than 6 percent in North America and 0.93 percent in Oceania.¹
- The global number of IDPs in 2006 was 12.7 million, with the highest concentration in the following countries: Colombia (3 million), Iraq (1.8 million), Uganda (1.6 million), Sudan (1.3 million) and the Democratic Republic of Congo (1.07 million).²

How Are Women Affected by Displacement? (p. 7)

- **Darfur:** In March 2007 the United Nations Human Rights Council published a report

documenting grave abuses against women, finding that “rape and sexual violence are widespread and systematic.” Numerous reports from international organizations have also decried the use of rape as a weapon of war in Darfur.

SEXUAL AND REPRODUCTIVE HEALTH, RIGHTS AND SERVICES (P. 18)

Due in part to the increased visibility of gender-based abuses during war and the incidents of sexual violence perpetrated by peacekeepers, the international community is paying more attention to sexual and reproductive health, rights and services. National advocates are working with the international community to find more effective ways of promoting family planning and reproductive rights.

The Vulnerability of Women: Sexual and Gender Based Violence (pp. 21 – 22)

- **Liberia:** Sexual and gender-based violence remains extremely prevalent in Liberia. A 2005 survey of six counties found that almost 75 percent of female respondents had been raped. A new rape law was passed in 2006 as a result of the advocacy of the Association of Female Lawyers of Liberia. The law broadens the definition of rape to include penetration with foreign objects and raises the definition of a child to anyone under the age of 18.³
- **Darfur:** In a report released by the International Rescue Committee (IRC) in August 2006, 200 assaults occurred in a five-week period in a single Darfurian refugee camp. In response, the Women’s Commission for Refugee

Women and Children suggested alternatives for firewood collection, since women are most often targeted when collecting firewood. Their recommendations included disseminating fuel-efficient stoves, developing alternative fuels and organizing firewood patrols.⁴

Key Initiatives to Deliver Reproductive Health, Rights and Services (pp. 26 – 27)

- **Yemen:** Family planning advocates in Yemen significantly lowered maternal mortality rates and increased the use of contraceptives by engaging religious leaders in the promotion of family planning by advancing religious interpretations that favor reproductive rights.⁵

HIV/AIDS (p. 32)

Recognizing that women are disproportionately affected by HIV/AIDS in conflict areas, both government and civil society are customizing HIV/AIDS prevention and treatment programs according to gender.

Gender Differences and HIV (pp. 33 – 34)

- Since 1985 the global proportion of women among adults with HIV/AIDS has risen from 35 percent to 48 percent. There has also been a sharp increase in HIV infection among young women, who now make up more than 60 percent of 15-24 year-olds living with HIV/AIDS.⁶

What Has Been Done at the Local, National, Regional and International Levels to Address HIV/AIDS? (pp. 41 – 42)

- **Brazil:** The Brazilian government, in conjunction with various United Nations agencies, launched an initiative in 2007 to curb the rise of HIV infections in women. With goals of 1) increasing the number of women tested and 2) boosting female condom procurement, the plan comes at a time when HIV infection rates for women have increased by 44 percent from 1996 to 2005.⁷
- **Latin America and the Caribbean:** The First Congress of Latin American and Caribbean HIV-Positive Women, Adolescents and Girls was held in Panama City in October 2006, with 242 delegates from 20 countries. The congress was organized by the International Commission of Women Living with HIV/AIDS Latina (ICW Latina) and several UN agencies. Ten commissions made up the final declaration to the United Nations calling for the fulfillment of the agreements reached by the United Nations General Assembly Special Session on HIV/AIDS in 2001. The event was the first of its kind.⁸
- **Sub-Saharan Africa:** Physicians for Human Rights released a report in May 2007 detailing the concerns related to women's rights and HIV/AIDS in sub-Saharan Africa. Due to their lack of control over sex decision making, discriminatory beliefs and the prevalence of HIV-related stigmas, women have become 75 percent of HIV-positive 15-25 year olds in the region. The report found many women to be in dire economic situations resulting in forced sexual engagement in exchange for food.⁹

CHILDREN'S SECURITY (p. 49)

Although women are often counted among vulnerable groups, they also play an important role in protecting marginalised people, especially children. Civil society organisations are garnering increased support from international organisations who are building child-based programming into development and humanitarian assistance programs. Women legislators work within their governments and with civil society partners to pass child- and family-friendly legislation.

Regional Initiatives (p. 57)

- **West Africa:** The West Africa Network for Peace Building established the Youth and Peace Education Program (YPE) in 2005 to raise awareness of non-violent conflict resolution strategies and strengthen linkages between formal and non-formal education structures in peace education. YPE's activities include a peace poem competition, a dance troupe project and training of peace education curriculum developers.¹⁰

National Actors (p. 57)

- **Colombia:** Senator Gina Parody D'Echeona led the push for the government to investigate and disclose the fate of more than 2,000 children who were irregularly demobilized in 2005 and 2006 without the economic, educational and psychological benefits of the formal demobilisation program.
- **Afghanistan:** Help the Afghan Children has piloted a Peace Education Program within sponsored schools in Afghanistan. The programme establishes centres in schools to train teachers in peace education and creates safe spaces for children to resolve conflict among themselves.¹¹

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INTERNATIONAL ALERT
Women Waging Peace

INCLUSIVE SECURITY,
SUSTAINABLE PEACE:
*A Toolkit for
Advocacy and Action*

1

Introduction

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User Guide

Conflict prevention, resolution and reconstruction issues vary significantly across regions and cultures. There is no “one size fits all” approach that can be taken by the international community or local populations to promote and sustain peace. However, conflict-affected societies do share common characteristics and problems that peace processes seek to address and resolve. In many instances, the international community takes the lead in providing guidance, expertise and resources to national authorities, but the approaches taken often fail to recognise the experiences, capacities and concerns of women. The Toolkit’s creation was motivated by the needs of these women who, despite their achievements, have limited access to international processes. It seeks to highlight the roles and contributions of women at the regional, national and local levels, who are breaking new ground in peacemaking and reconstruction. We have sought to provide examples of women’s efforts from around the world.

By providing clear, simple—but not simplistic—information, this Toolkit aims to be a resource to enable the strategic engagement of women in national peacebuilding and security processes. Everyone who wishes to use the Toolkit should find something of relevance. Inevitably, however, there will be gaps. We hope that they are minimal.

GOALS

The main goal of this Toolkit is to provide a resource for women peacebuilders and practitioners to engage effectively in peace and security issues. The authors have sought to do this by:

- framing the Toolkit within current approaches such as conflict transformation and human security that currently govern conflict, peace and security issues;
- providing critical information, strategies and approaches on key peace and security issues;
- bridging the divide between the realities of peace activists in conflict, post conflict or transition areas and international practitioners and policy-makers with responsibility for designing and implementing programmes in these contexts;
- presenting issues in a user-friendly manner and demystifying the “policy speak” and terminology used by the international community;
- relating the issues to women’s experiences, highlighting how women are affected and how they contribute to core peacemaking, peacebuilding and security processes;
- highlighting practical examples of women’s contributions and offering concrete, “doable” ideas for advocacy and strategic action; and
- providing information on international human rights agreements and policies, which promote the integration of women’s human rights issues into all policies, programmes and processes that affect women’s peace and security.

TARGET AUDIENCE

The Toolkit has been developed specifically for women peace activists, advocates and practitioners in conflict-affected and post conflict countries. In developing the chapters we found that policy-makers and staff of major multilateral institutions, donor countries and international NGOs also found the information useful. We therefore encourage and welcome the use of the resource by all those concerned with global peace and security issues.

STRUCTURE

The Toolkit is divided into six sections, each with a number of related chapters. Each chapter is further subdivided to:

1. define the issues;
2. identify key actors involved;
3. examine the impact on women;
4. discuss the role and contributions of women;
5. highlight international policies relating to women's participation;
6. outline strategic actions that women peace activists might undertake; and
7. provide references for further information.

Many issues are interrelated, and every effort has been made to integrate key concepts into each chapter without excess duplication. The following are major themes that are discussed across the entire Toolkit but which do not form separate chapters:

- education and training;
- gender-based violence;
- disability;
- international law (the chapter on human rights outlines the main legal framework for women's rights and is complemented in other chapters with discussions of other legal frameworks such as those for refugees and internally displaced persons);
- culture;
- trafficking;
- gender mainstreaming;
- religion; and
- girls, boys and youth.

Throughout the Toolkit, examples of countries, conflict areas and key institutions are in **bold**. Unusual terms or aspects of a particular subject are also in **bold**. A list of acronyms can be found at the end of each chapter.

USE

At its most basic, the Toolkit is a compilation of information relating to peace and security issues and

as such has multiple uses. It can be used:

- **as a reference guide** providing information on internationally agreed laws and standards governing the protection of women during conflict and their participation in peace and security processes. It also provides information on strategies for the prevention of conflict.
- **as a tool for advocacy and action** encouraging women to adopt and adapt the examples of women's strategies and advocacy initiatives for inclusion into peacebuilding and conflict prevention processes such as peacekeeping support operations or disarmament, demobilisation and reintegration and post conflict processes such as elections.
- **for training and awareness-raising** on issues such as HIV/AIDS, the need to ensure that refugee and internally displaced populations have adequate access to affordable and accessible health provision and care and that the camps in which they are housed are made as secure as possible.
- **to enhance the understanding and effective use of Resolution 1325** as a tool to hold governments, policy-makers and those involved in the development of budgets accountable. Enhanced understanding of 1325 can strengthen advocacy initiatives and provide openings for strategic action. In-depth knowledge of the tool can facilitate access to policy-makers and influence decision-making related to peacemaking and post conflict reconstruction.

METHODS OF DISSEMINATION

Although the Toolkit is available both in hard-copy format and electronically, we anticipate and hope that its users will develop their own means of disseminating the information based on the needs of their particular constituencies. This includes the development of audio or visual materials—creating radio programs, poetry, theatre or photography as a means of conveying the ideas and issues.

We take pride in having compiled this information and produced this work. Our hope, and the key measure of success, will be the extent to which activists, policy-makers and others use, develop and claim ownership of the Toolkit.

The Conceptual Framework: Security, Peace, Accountability and Rights

SANAM NARAGHI ANDERLINI AND JUDY EL-BUSHRA WITH CONTRIBUTIONS BY SARAH MAGUIRE

The adoption of **Security Council Resolution 1325** in October 2000 was a watershed in the evolution of international women's rights and peace and security issues. It is the first formal and legal document from the Security Council that requires parties in a conflict to respect women's rights and to support their participation in peace negotiations and in post conflict reconstruction (see appendix for full text and the chapter on international policies and legal mechanisms for a detailed discussion).

Resolution 1325 did not, however, emerge in a vacuum. It was the outcome of a concerted effort by a number of international women's organisations and networks, working in partnership with supportive governments and UN entities.¹ It was also a result of the changing climate of opinion among policy-makers throughout the 1990s. This opinion has increasingly stressed the need for the international community to embrace principles of human rights, diversity, good governance and participation when responding to situations of insecurity and violent conflict. The discussion below provides an overview of the evolving policy and conceptual discourse related to peace and security broadly and women more specifically. It also provides a broader context for the analyses and information provided in other chapters of this Toolkit.

WHY WOMEN?

International Alert and Women Waging Peace have chosen to present the challenges and opportunities of peacebuilding from the point of view of women peace activists for two reasons. First, women's profiles in peacebuilding, as in many other areas of life, have been unrealistically low and undervalued. Yet in conflicts and war-torn countries across the world, women are often at the forefront of peacemaking and peacebuilding efforts. They are leading households, caring for the sick and the old and sustaining and ensuring the survival of their families and communities. Even in refugee camps and despite their own traumas or victimisation, women shoulder the responsibilities of others. In many instances (as documented throughout this Toolkit) women initiate peacemaking efforts. It is often women who are the mobilisers and the voice of civilians silenced by violence and atrocities. Long after international aid and support have ended, women are left to handle the trauma and violence that comes home with men whose lives have been

devastated by war and to provide the continuity that enables families and communities to heal and move forward. Yet time and again, women are depicted simply as silent passive victims. This Toolkit is part of a broader effort to shed light on women's roles and their contributions to peace.

Second, women's organisations and women peace activists tend to have inadequate access to information and resources. While their strength is their ability to work at the grassroots level, develop distinct and context-specific approaches and network effectively with other women's groups, it is also a limitation. Women's organisations are often distant and disconnected from developments and processes under way at regional and international levels. Even donors and institutions that support their efforts tend to compartmentalise them—supporting individual projects but rarely integrating them into their mainstream programmes on peacebuilding and reconstruction. This Toolkit seeks to bridge these gaps. It provides the information and tools needed by women to enable

their systematic inclusion in peace processes. In doing so, it also seeks to strengthen women's capacities to draw on their own experience and expertise and to advocate for changes and improvements in existing international efforts.

Throughout the Toolkit we also address issues of **gender equality**—that is ensuring that the interests, needs and priorities of both women and men are taken into consideration. It also means that achieving rights, responsibilities and opportunities for men and women are not dependent on their sex.² We firmly embrace the goal of attaining relations between men and women that are based on equality, justice and mutual respect. While this is a long-term aim, however, a key approach taken in the immediate term is focusing on the empowerment of women. Many organisations worldwide are dedicated to supporting women and regard this as a fundamental step towards gender equality.

THE POLICY FRAMEWORK

There are four inter-related elements in the evolving framework related to peace and security.

1. First, there has been a shift in policy discussions about security, away from national security and toward greater emphasis on **human security**. This shift requires governments and other powerful global bodies to recognise the importance of placing human beings and not states, at the centre of security concerns.
2. Second, there has been a shift in thinking on conflict and peace, away from focusing peacemaking efforts on mediation and formal agreements and toward a broader and more inclusive concept of **conflict transformation**, which requires dismantling unjust structures and policies that exacerbate violent conflict and replacing them with mechanisms, processes and institutions that enable grievances to be recognised, heard and dealt with.
3. Third, standard-setting in the humanitarian and relief profession is evolving and, with it, open and effective ways of holding humanitarian actors to these standards. This move towards

humanitarian accountability is an essential step in, for example, improving the treatment women should receive from the international community during humanitarian emergencies.

4. Finally, there is increasing acceptance of **women's rights** within the global policymaking framework. In this process, the basic rights of women have been spelled out in successive international legal instruments. They have been progressively incorporated into established policy and practice, including policies on which responses to conflict and war are based.

Respect for the human rights and dignity of every person is not only central to, but is in many ways the starting point for these developments (see chapter on human rights). In practice, however, different approaches have been taken to reach this goal. In the context of peace negotiations, for example, dilemmas arise over the question of amnesty, particularly acute in cases where victim and perpetrator may be forced to live in proximity to each other. Offering amnesty to perpetrators may be objectionable when viewed from a human rights perspective alone, as it offers no justice to victims. But it may be a necessary gesture, not only to limit the risks of violent resurgence and further violations of human rights, but also to move the process forward, so that in the long term the human rights of everyone are respected. In effect it may mean trading short-term concessions for long-term benefits. These approaches may contradict each other, but the complexity of war and its aftermath does not allow for one-dimensional responses. Each of the four is discussed more fully below.

1. THE HUMAN SECURITY FRAMEWORK

Historically, security has meant keeping states safe from external enemies. Threats to international peace and security were usually thought of as threats to states from forces outside it. In the 1990s, with the end of the Cold War and the prevalence of insecure conditions within countries, however, notions of security changed. There was acknowledgment that material poverty and bad governance—including the oppression of ethnic or religious groups and political dissidents and external economic and political pressures—all contribute to instability on local and global scales.

In the years leading up to the Millennium, at the UN and other organisations, the concept of “**human security**”—putting the individual and her/his rights at the centre of security concerns—grew in prominence.³ Human security, first defined by former Canadian Foreign Minister Lloyd Axworthy, is:

a condition or state of being characterized by freedom from pervasive threats to people’s rights, their safety, or even their lives... It is an alternative way of seeing the world, taking people as the point of reference, rather than focusing exclusively on the security of territory or governments.... Human security entails taking preventive measures to reduce vulnerability and minimize risk, and taking remedial action when prevention fails.⁴

He further stated that:

A human security agenda must go beyond humanitarian action, by addressing the sources of people’s insecurity. Building human security, therefore, requires both short term humanitarian action and longer term strategies for building peace and promoting sustainable development.⁵

The UN Secretary General, in his 2000 Millennium Report,⁶ described this coming together of rights and security as “freedom from want and freedom from fear.” The **Commission on Human Security**⁷ accepted this as the basic definition of human security and addressed it through four main components:

1. critical and pervasive threats;
2. human rights;
3. protection; and
4. building on people’s strength.

Critical and pervasive threats are factors in the physical or social environment that are likely to have a severely destructive effect over a long period, undermining people’s ability to recover from shocks and disasters. What constitutes a critical and pervasive threat is likely to vary according to circumstances: a natural disaster, for example, will have a bigger impact in some contexts than in others.

For instance, an earthquake in a developed nation might result in no fatalities, whereas the same in a developing country where building regulations are non-existent in the areas where poor people live, might cost thousands of lives. In this case, the underlying problem of unregulated building is the “critical and pervasive threat,” rather than the earthquake itself. Taking a human security approach would require building regulations to be enhanced and implemented to reduce the threat of earthquake damage to poor communities.

Many other critical and pervasive threats are widely believed to contribute, in different ways, to the occurrence or perpetuation of armed conflict. Corruption, exploitation, unequal development investment, discrimination and political repression can all lead to disaffection and to support being given to armed opposition movements. Poverty and displacement make young men vulnerable to recruitment by armed groups that offer the promise of a livelihood. High rates of HIV/AIDS undermine governance when administrators, parliamentarians and other qualified people get sick and die. Small arms proliferation leads to an increase in gun-related violence and organised crime, including trafficking of drugs and women. Violence in the home reduces women’s access to decision-making in the public sphere. Tensions and conflicts in host countries exacerbate the social problems faced by refugees and can reawaken old hostilities.

Human rights are the rights of all human beings to fundamental freedoms (see chapter on human rights). The concept of human security helps us understand that basic human rights, as stated in the **Universal Declaration of Human Rights**, are inter-related. In other words, a person cannot be free from discrimination if she/he is facing religious persecution. Human security complements human rights law by drawing attention to international humanitarian law in the context of armed conflict, environmental security and other issues. For people not specifically protected by measures in international law—such as older, internally displaced or disabled people—insisting on human security means that their rights are especially protected because they face particular critical and pervasive threats.

Sometimes, human rights are overridden or ignored for the sake of state security. Human security puts

people first, emphasising that human rights are central to state security. Many nation states, including those with questionable human rights records, often describe state security as of paramount importance. But state security is often ill-defined, masking the economic or other interests of elites or other powerful groups and pretending that these interests are for the common good. Often, when the state breaches human rights and oppresses particular sectors of society, its actions prompt the emergence of armed opposition groups that in turn threaten the state's security.

Protection is a constant theme in human security discourse. It refers to the notion of taking a proactive approach to ensure that people's human rights are respected at all stages of a conflict, not left until "later" after political settlements have been agreed on. Protecting citizens affected by violent conflict is a priority for all agencies and governments. All security or military organisations should have an understanding of and commitment to, the concept of human security.⁸

Considering security from a human rather than a state perspective means that people are considered capable of creating positive change, and the state encourages **building on people's strength**. For women particularly, this means that instead of treating women only as victims, governments and agencies should enable them to participate in decision-making, whether at the ballot box or the peace table. To make this happen in a comprehensive way, violence has to be eradicated from women's lives and women must have sufficient economic and political power to feel secure in stating their own case.

Responsibility for promoting human security lies with everyone: states, civil society (including corporate bodies and the media), international financial institutions and multilateral institutions, individuals and parties to armed conflict. This does not mean, however, that individuals or non-governmental organisations (NGOs), for instance, should take over the responsibility of the state. Primary responsibility for protecting and promoting human rights still lies with the state. However, human security does require concerted action at societal and state levels, as well as sound global governance. International financial institutions, NGOs and inter-governmental organisations must embody the *values* of human security.

In many national liberation struggles, women have made the connection between security and rights, insisting that the struggle for equality and social justice go hand in hand with the struggle for national independence.

In the years since the September 11, 2001, attacks in the US, the discourse has again tilted towards militaristic notions of security. This is true, for example, in the case of the US government's doctrine of pre-emptive action. Under this doctrine, the US government reserves the right to use offensive action in the face of a perceived or actual threat, rather than using force only to defend against attack. The concern that many critics voice is that offensive military action alone not only results in more death and hardship in the lives of innocent people, but also fuels anger and resentment, thus perpetuating the cycle of insecurity. Moreover, there is concern that the underlying factors that contribute to the rise in violence and terror are being ignored.

The human security framework alone does not have answers to all security threats. But in concert with other frameworks, it can and does add value to our understanding of the causes of conflict and insecurity. Proponents of this approach have engaged in the debates around terrorism and have addressed some of the root causes and symptoms of the threat. Yet in the international discourse on these issues, their voices remain marginalised and largely unheard.⁹

2. THE CONFLICT TRANSFORMATION FRAMEWORK

Conflict specialists have made some important shifts over the last decade in the way they understand and analyse conflict and peace. In the past, conflict specialists tended to consider conflict as a set of events leading to a political crisis at an international or national level, requiring outside mediators with special skills to resolve the dispute. They now recognise that conflict, in its most general sense, is a natural expression of social difference and of humanity's perpetual struggle for justice and self-determination. The challenge is not to abolish conflict, but rather to put a stop to the cyclical nature of *violent* conflict by first acknowledging that different interests exist and then by channelling the struggle in constructive directions. In other words, there is understanding that if managed effectively, conflict can be positive and creative.

While armed conflicts involve powerful political and military actors, they may just as easily involve and overwhelm ordinary people at a local level facing everyday life struggles. Factors that operate at international, national and local levels are interlinked. Unravelling violent conflict needs to take place at all these levels simultaneously.

The role of peacebuilders has changed accordingly. Mediating disputes between politicians to bring an end to fighting (**conflict resolution**) is important (see chapter on peace negotiations and agreements), but it is only one of many peacebuilding tasks. It should be seen as part of a wider process (**conflict transformation**), in which the deeper structural issues that give rise to and perpetuate armed conflict are addressed. Conflict transformation describes a broad range of activities aimed not only at halting armed conflict, but at promoting structural changes that also address the root causes of conflict. These activities might include:

- peacemaking (dialogue, mediation, contributing to and monitoring peace accords);
- advocating to promote awareness of peace, disarmament, justice and human rights issues;
- leading and participating in political processes and encouraging popular participation and confidence in those processes;
- providing social services to ensure that the survival and basic needs of all, especially the more disadvantaged, are met;
- contributing to and strengthening civil society; and
- undertaking community-level development and social reconstruction work.

Conflict transformation is no longer the preserve of a small group of elite mediators, but is increasingly seen as the responsibility of all. Indeed, it cannot be fully achieved unless actors at all levels participate. So, while national negotiations might establish a formal peace deal between belligerents, international players (e.g. other governments with interests in the region, multinational commercial interests) also need to be involved.

Local people affected by the conflict in their communities and homes must also be included in the

process. The experience of transitional justice in post-genocide **Rwanda** illustrates one way in which this might happen. The International Criminal Tribunal for Rwanda has been slow, expensive and largely ineffective at promoting reconciliation at the local level. Meanwhile, at the national level, tens of thousands remain in prison, as suspected genocide perpetrators awaiting trial, but the judiciary has been unable to process the large number of cases within an acceptable time limit. The re-establishment and adoption of a traditional, community-based justice mechanism—the *gacaca* courts—is designed to enable all citizens to participate directly in some aspects of justice and reconciliation. Though *gacaca* has been criticised by many human rights activists because it does not meet international legal standards, if fully implemented, it could ensure that local people are included in the conflict transformation process.

Broadening the scope from conflict resolution to conflict transformation also recognises the work of civil society in all phases of a peace process. Civil society forms a counterweight to other forms of power (political, commercial or military) and provides citizens with a channel for expressing their views. Civil society organisations operating in war zones carry out a wide range of activities, including provision of welfare and service, defending human rights, policy lobbying and community development. All of these can be described as conflict transformation when they support those most directly affected by conflict and seek to end the violence and dismantle the forces of oppression.

Women take part as key actors in all activities around conflict transformation. They influence popular opinion for or against war, monitor the actions of the international community and of local conflict actors, provide support and protection to the vulnerable and contribute to the growth and strengthening of civil society. Women's groups and organisations often get involved in peace-related work as a result of their frustration with mainstream politics and what they see as the lack of moral justification for the violence being committed in their names. Women peace activists have described their role as promoting the “feminisation of protest”—transforming attitudes and practices, structures and competences, to lay the groundwork for local and global changes that permanent peace

requires. Women's peace activism addresses women's rights and equality and the broader societal goals of equality, justice and reconciliation: both are necessary elements to conflict transformation.

3. HUMANITARIAN ACCOUNTABILITY

The concept of “**humanitarian accountability**” evolved out of discussions in the early 1990s among humanitarian agencies seeking to clarify the basic principles of assistance and ensure that they adhered consistently to these principles. Humanitarian work is concerned with the immediate relief of human suffering as a result of natural or man-made disasters. Humanitarian emergencies resulting from war (especially emergencies resulting in population displacement) grew in number and intensity following the Cold War, placing rapidly increasing demands on the international community's capacity to respond.

Lack of a coordinated policy resulted in many emergencies being ignored, while in others, agencies were unable to absorb all the funds donated. Humanitarian aid was often provided on the basis of the foreign policy priorities of donor countries, rather than on humanitarian need. Emergency responses sometimes inadvertently fuelled conflict by boosting the economic resources accessible to warring groups, and humanitarian agencies were accused of causing harm by short-term thinking.¹⁰ Practical work on the ground was often hampered by the conflicting policies of different agencies. From the standpoint of gender issues, projects were criticised for ignoring women's active role in supporting their families and communities and for failing to recognise the different needs of men and women (e.g. for protection or health services). Moreover, a few individuals working on assistance programmes were found to be misusing their power and abusing their beneficiaries in various ways (sometimes committing serious sexual abuse) with impunity.

As these problems became more widely recognised, agencies providing humanitarian assistance worked to agree on basic principles and to establish mechanisms for holding the humanitarian and relief profession accountable for upholding these principles. The four **Humanitarian Principles** have been defined as

1. **humanity**, meaning the centrality of saving human lives and alleviating suffering wherever it is found;
2. **impartiality**, meaning the implementation of actions solely on the basis of need, without discrimination between or within populations that are affected by crises;
3. **neutrality**, meaning that humanitarian action must not favour any side in an armed conflict or other dispute where such action is carried out; and
4. **independence**, meaning the autonomy of humanitarian objectives from the political, economic, military or other objectives that any actor may hold regarding areas where humanitarian action is being implemented.¹¹

Accountability: Accountability is exercised at three levels.¹² The first is between the recipients of assistance and the organisations that help them. People have a right to assistance and to have it offered to them in ways that preserve their human dignity and capacity for independent action. Those who suffer as a result of disasters are hardly in a position to voice protests if provisions are inadequate, if they are treated without dignity or if assistance providers abuse them. To overcome this sense of helplessness, many agencies have adopted a “rights-based approach” to their work, recognising that victims have a basic right to aid. They are therefore not simply beneficiaries; they are claimants. In some instances, agencies also provide mechanisms for them to submit complaints if needed.¹³

The second level concerns the accountability of states in providing for and protecting their own people. Internal mechanisms for calling a state to account do not always function effectively. Ensuring accountability internationally runs up against the problem of sovereignty, which states often claim, against interference by other states. In establishing a balance between citizens' rights on the one hand and sovereignty on the other, international law does offer standards, which states are expected to keep to, as well as mechanisms to ensure compliance. For example, the 1998 **Guiding Principles on Internal Displacement** (see chapter on refugees and internally displaced persons) summarise the responsibilities of

states in international law to protect the internally displaced. The most important international mechanism to date is the **International Criminal Court (ICC)**,¹⁴ which can prosecute people accused of crimes against humanity, genocide and crimes of war.

Third, donor governments realised that, in addition to applying humanitarian principles as criteria in decisions about funding, they also needed to apply them to their own efforts. Donor governments have been criticised for being too influenced by political considerations in their decisions about which emergencies to support. Much of the work on accountability by donors to date involves streamlining the processes through which UN agencies combine their requests for funds to assist in specific emergencies, for example, the Consolidated Appeals Process.

Frameworks, Principles and Codes of Conduct: The basic accountability framework is the **Red Cross/Red Crescent Code of Conduct**.¹⁵ This Code, based on existing international human rights law, enshrines 10 principles including the impartiality of aid, respect for local custom and the dignity of aid recipients. Other frameworks have built on this Code. The Sphere Project, for example,¹⁶ was launched in 1997 by the Red Cross/Red Crescent movement and NGOs. It aims to extend and strengthen the Code of Conduct by supplying a handbook setting out minimum standards in four operational sectors (water, sanitation and hygiene; food security, nutrition and food aid; shelter, settlements and non-food items; and health services). The Sphere Project also includes the **Humanitarian Charter**, a revised version of the Code of Conduct, which NGOs are invited to sign.

The **Good Donorship initiative**¹⁷ aims to promote accountability standards among donor governments. The **Humanitarian Accountability Partnership International (HAPI)**¹⁸ outlines principles of accountability for NGOs, including the principles that claimants' rights must be respected and promoted; that they should be meaningfully involved in project planning, implementation, evaluation and reporting; and that they have the right to make complaints and seek redress in safety. The HAPI has instituted mechanisms whereby such complaints about its member organisations can be heard and resolved.

Clearly, donors, states and humanitarian organisations have acknowledged their responsibility to ensure accountability for adhering to humanitarian principles and standards. The impact of this effort, however, has been limited. For example, after massive sexual abuse of aid recipients was uncovered in **Sierra Leone** in the 1990s, investigations resulted in some improvements in protection. But no managers were held accountable and there were no prosecutions.¹⁹ Internationally, civil society organisations such as the **Humanitarian Practice Group** at the **Overseas Development Institute** in London are monitoring progress and sharing information.²⁰ Organisations such as **People in Aid** are developing international standards for the management and support of staff in the field.²¹ Locally, it is important for recipients of humanitarian aid to be supported in developing their own organisations to provide people with a voice and ensure that their opinions are directed into appropriate channels.

During the 1990s, much of the humanitarian profession resisted calls for reform in respect to gender awareness on the supposed grounds that “the tyranny of the urgent” required them to provide only the most immediate necessities and do so without seeking to understand social differences. However, more recently it has been acknowledged that many women and their families have suffered avoidable neglect and deprivation as a result of the absence of a gender-aware policy and practices in humanitarian agencies. Women working within these agencies have done much to raise this awareness.²²

The frameworks and codes of conduct mentioned above began by making no specific reference to women, just as many major international instruments include women's rights within overall human rights. However, following pressure from women within some agencies and a review by the **Women's Commission for Refugee Women and Children**, the Sphere Project handbook now includes notes about the specific concerns of women and girls within each sector and indicators of women's access and participation. The **International Committee of the Red Cross** also undertook a study of the implications for women and girls of international human rights and humanitarian law prior to establishing a campaign to make these more widely known within the international community.²³

4. THE WOMEN'S RIGHTS FRAMEWORK

Women's rights have been seen as part and parcel of human rights work more generally. Women's rights have been implicitly included in, for example, the **Universal Declaration of Human Rights**.²⁴ However, there was little recognition of the specific ways in which women's human rights are violated.

In part, the lack of consideration of women's human rights stemmed from the nature of the violations that women experience. Many, although not all, occur in the private sphere of the home or family, in the form of physical violence or sexual abuse. Often, customary or religious laws violate women's economic or political rights (e.g. by forbidding women to inherit property).

While women's human rights violations do not always involve state actors, in most cases, the state has either condoned existing practices, allowed the passage of discriminatory laws or instigated policies and programmes that are inherently discriminatory against women.

For many years following the adoption of the **Universal Declaration of Human Rights** and other international instruments that protected civil and political rights, the primary focus of the international human rights community was rights in the public sphere—particularly in relation to political and civil issues.²⁵ As a result, women's human rights and violations of those rights that occurred in the home or community were often overlooked.²⁶ There is a growing conviction in the international community that women's rights are in danger of being taken for granted unless the specific implications of human rights principles for women and girls are spelled out.

In 1975, to coincide with the International Year of Women, the first world conference on women was held in Mexico. It set in motion a global movement that has gathered strength in the intervening years with a broad focus on three themes: full gender equality and the elimination of discrimination; the integration and full participation of women in development; and the increased contribution of women to world peace.²⁷

It also led to a series of international instruments that provide detailed statements defining women's rights in practice and setting new standards for gender equality. The **Convention on the Elimination of All Forms of**

Discrimination Against Women (CEDAW) is the seminal document for the promotion of international women's human rights. Often described as the international bill of rights for women, CEDAW defines discrimination against women and requires states that are party to the convention to incorporate gender equality into their legal systems, establish institutions for the protection of women and ensure the elimination of all acts of discrimination against women. It also requires states to submit national reports on their progress.²⁸ The Convention was adopted in 1979 and came into force in 1981. By March 2004, 177 countries had ratified CEDAW—over 90 percent of the UN's member states.

Declarations, recommendations and resolutions drawing on CEDAW have been adopted at the regional and international levels that address various aspects of women's human rights and gender discrimination. In addition, some countries have incorporated provisions from CEDAW into their constitutions and legislation, including **Uganda, South Africa, Brazil and Australia**.²⁹

The 1995 **Beijing Platform for Action (BPFA)** that emerged from the fourth World Conference on Women in Beijing, China, was the next milestone in the international community's evolving recognition of women's rights. The BPFA expanded the Mexico principles by outlining twelve critical areas of concern regarding women's lives, equality and rights:

1. the persistent and increasing burden of poverty on women;
2. inequalities and inadequacies in and unequal access to education and training;
3. inequalities and inadequacies in and unequal access to health care and related services;
4. violence against women;
5. the effects of armed or other kinds of conflict on women, including those living under foreign occupation;
6. inequality in economic structures and policies, in all forms of productive activities and in access to resources;

7. inequality between men and women in the sharing of power and decision-making at all levels;
8. insufficient mechanisms at all levels to promote the advancement of women;
9. lack of respect for and inadequate promotion and protection of the human rights of women;
10. stereotyping of women and inequality in women's access to and participation in all communication systems, especially the media;
11. gender inequalities in the management of natural resources and in the safeguarding of the environment; and
12. persistent discrimination against and violation of the rights of the girl child.

Under each theme, the problems are articulated and strategic objectives stated for concrete actions

to be taken by different actors. The BPFA is not only comprehensive but has also set clear benchmarks and a vision for improving women's lives. With 188 states as signatories, it is an influential international document on women's rights. At Beijing, the impact of armed conflict on women was noted as a specific emerging issue requiring attention. Its inclusion in the Platform for Action spurred the growth of a global women's peace movement and the revitalisation of anti-militaristic feminism.

Security Council Resolution 1325 drew on the energy of this movement and built on the strengths of previous policy instruments. But as the first formal acknowledgement of the role of women's rights and women's roles in the domain of national and international peace and security, it is a critical milestone. The emergence and implications of Resolution 1325 and other policy instruments relating to women's involvement in peace and security issues are elaborated in the section on International Policies and Mechanisms.

ACRONYMS

BPFA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
HAPI	Humanitarian Accountability Partnership International
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
ICC	International Criminal Court
NGO	Non-Governmental Organisation
UN	United Nations
US	United States

ENDNOTES

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14. For more information about the functioning of the ICC, see <<http://www.icc-cpi.int/home.html>>.
15. International Federation of Red Cross and Red Crescent Societies, <<http://www.ifrc.org/publicat/conduct>>.
16. Sphere Project <<http://www.sphereproject.org>>.
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18. Humanitarian Accountability Partnership International, <<http://www.hapinternational.org>>.
19. Naik, Asmita "West Africa Scandal Points to Need for Humanitarian Watchdog." *Humanitarian Exchange* 24 July 2003.
20. The Humanitarian Policy Group manages the Humanitarian Practice Network, "an independent forum where field workers, managers and policy makers in the humanitarian sector share information, analysis and experience." See <<http://www.odihpn.org>> for details of activities and publications.
21. People in Aid was set up in the mid-1990s following a survey of aid workers which showed that many felt unsupported and unguided. PiA operates an award scheme under which good employers are awarded "kitemarks." It launched updated guidelines in 2003, available on <<http://www.peopleinaid.org>>.
22. Two accounts of this struggle are: Abdela, Lesley. "Kosovo: Missed Opportunities, Lessons for the Future." *Development in Practice* 13: 2 and 3, 2003; Williams, Suzanne. "Conflicts of Interest: Gender in Oxfam's Emergency Response." *The Post-War Moment: Militarities, Masculinities, and International Peacekeeping*. Eds. Cynthia Cockburn and Dubravka Zarkov. London: Lawrence and Wishart, 2002.
23. Lindsey, Charlotte. *Women Facing War*. Geneva: ICRC, 2001.
24. *Universal Declaration of Human Rights*, available at <<http://www.un.org/Overview/rights.html>>.
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26. Carnegie Council on Ethics and International Affairs "Silence Breaking: The Women's Dimension of the Human Rights Box." *Human Rights Dialogue* 2.3, 2000.
27. First World Conference on Women, 14 September 2004 <http://www.choike.org/nuevo_eng/informes/1453.html>.
28. *Convention on the Elimination of All Forms of Discrimination Against Women*, available at <www.un.org/womenwatch/daw/cedaw>.
29. United Nations. CEDAW: *The Treaty for the Rights of Women*. New York: The Working Group on Ratification of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 2004. 5 September 2004 <http://www.womenstreaty.org/CEDAW_Book.htm>. See also chapter on constitutional rights and legislation for more information on how to incorporate CEDAW into domestic law.

Key International Policies and Legal Mechanisms: Women's Rights in the Context of Peace and Security

ANCIL ADRIAN-PAUL AND SANAM NARAGHI ANDERLINI

In recent decades, issues relating to women's rights have gained a prominent place in the global policy-making arena. Women's rights in the context of peace and security issues, however, are a relatively new phenomenon. The discussion below provides a brief overview of major policy instruments, resolutions and commitments made by member states of the United Nations (UN) and regional inter-governmental organisations on issues specifically relating to women and decision-making in peace and security issues. It also highlights key steps taken by these institutions and remaining gaps in implementation.

THE UN SYSTEM

The UN was established by governments in 1945 as a mechanism for international cooperation. Only nation states qualify as members of the UN, and as of 2004, membership totalled 191 countries. Headquartered in New York, the UN's main bodies are the General Assembly, to which each country sends a representative, and the Security Council, which consists of five permanent and 10 rotating member states. The resolutions of the Security Council are binding on UN members.

1. UN SECURITY COUNCIL RESOLUTION 1325 ON WOMEN, PEACE AND SECURITY

UN Security Council Resolution 1325 (2000) is the most important commitment made by the global community with regard to women's participation in the maintenance of peace and security (see full text in appendix). As a Security Council resolution, it is also international law.¹

Unanimously adopted in October 2000 by the UN's most powerful body, the resolution has officially endorsed the inclusion of civil society groups—notably women—in peace processes and the implementation of peace agreements. The resolution spells out actions needed by all actors, including governments and the UN, to ensure the participation of women in peace processes and improve the protection of women in conflict zones.

The resolution calls upon the Council, the UN Secretary General, member states and all other parties

(i.e. non-state actors, militias, humanitarian agencies and civil society) to take action in four interrelated areas: 1) the participation of women in decision-making and peace processes; 2) integration of gender perspectives and training in peacekeeping; 3) the protection of women; and 4) gender mainstreaming in UN reporting systems and programmes.

Participation of Women in Decision-Making and Peace Processes: The resolution urges member states to increase the “representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict.”

It also “urges the Secretary-General to appoint more women as special representatives and envoys...and to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel.”

It calls on all actors to “support local women's peace initiatives and indigenous processes for conflict resolution, and... involve women in all of the implementation mechanisms of the peace agreements.” It also states that the Security Council should “ensure that its missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups.”

Implications: The call for more women provides new opportunities for senior and qualified women to

enter into positions hitherto dominated by men. However, the absence of actual quotas, benchmarks and timelines for the number of women in high-level positions is of concern. No mention is made of how “gender perspectives” will be incorporated into field operations. There is a danger that the key parties will take no substantial action. So, effective monitoring and evaluation by non-governmental organisations (NGOs), UN agencies and governments are critical for the implementation of this recommendation.

Gender Perspectives and Training in Peacekeeping:

The resolution “urges member states to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts.” It requests “the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women as well as on the importance of involving women in all peacekeeping and peacebuilding.” It also states that the Council is willing to “incorporate a gender perspective into peacekeeping operations measures.”

Implications: This is a clear endorsement of gender training for peacekeepers and civilian personnel in peace support operations. However, without the commitment of governments to provide additional funds, these measures can be ignored or not implemented adequately. The British and Canadian governments are already initiating gender training for peacekeepers, thereby providing a platform and precedent for other countries to follow. (The online training course can be accessed at www.genderandpeacekeeping.org.)

The Protection of Women: The resolution calls on all actors involved in negotiating and implementing peace agreements to adopt a gender perspective, including:

- “during repatriation and resettlement and for rehabilitation, reintegration and post conflict reconstruction” and in the context of disarmament demobilisation and reintegration...”
- “the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.”

It also calls on all parties of armed conflict to:

- “protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;” and
- “respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design.”

Resolution 1325 also emphasises that all states have responsibility for putting an end to impunity and prosecuting those responsible for all war crimes, “including those relating to sexual and other violence against women and girls and in this regard stresses the need to exclude these crimes, where feasible from amnesty provisions.”

Implications: All state and non-state actors in conflict can be held accountable for violations against women, and all have a responsibility to protect them. UN and humanitarian agencies providing relief to refugees and internally displaced persons (IDPs)² can be held accountable for the lack of adequate protection of women and girls, and must ensure gender sensitivity in all their planning, programmes and implementation processes. But without an effective monitoring and evaluation mechanism and incentives for compliance that draw on the concerns of the refugees and IDPs themselves, it is unlikely that the necessary changes will be made.

Gender Mainstreaming in UN Reporting and Implementation Mechanisms:

The Secretary General is responsible for providing progress reports on gender mainstreaming in peacekeeping missions and other related areas to the Security Council.

Omissions: As a first step, 1325 offers a great deal. But, there are gaps and weaknesses that must be addressed.

- To allow for effective implementation, it is essential that the mandates of all peacekeeping and peace support operations routinely require the protection of women and consultation with them when designing humanitarian programmes.
- It is important that senior gender advisors who have decision-making powers are sent on field operations and fact-finding missions.

- The development of gender-specific information and the collection of gender-disaggregated data to enable a better understanding of the impacts of conflict on women and men, is essential for effective planning of all peace support operations. This is not mentioned in the resolution.
- There is no overt mention of effective accountability mechanisms and disciplinary actions for peacekeepers who violate and exploit refugees, IDPs and local populations.
- There is no call for the development of mechanisms that would enable senior staff at UN headquarters to hear the voices, concerns and opinions of the recipients/beneficiaries of the peace support, relief and rehabilitation operations, so that these operations could be improved from headquarters to the field level.

Within the UN system, the UN Development Fund for Women (UNIFEM) and the Office of the Special Advisor on Gender Issues (OSAGI) are leading efforts to implement 1325. The **NGO Working Group on Women Peace and Security**³ is also dedicated to advocating for the implementation of the resolution broadly. Status updates and translations of 1325 in other languages can be found at www.peacewomen.org.

Using 1325

Women peace activists worldwide are using 1325 as a tool for raising awareness about women's experiences of conflict and for holding local authorities and governments accountable. In 2003, a resolution drafted along the lines of 1325 was introduced in the **US** Congress. In **Israel**, Knesset members have introduced a bill based on 1325 as a means of raising awareness about the issue of women's participation in peace and security issues. In **Sri Lanka**, women peace activists are running workshops on "taking 1325 to the village"—introducing the resolution to local women and informing them of their rights under international law. In **Fiji** in 2003, the Women, Peace and Security Committee demanded that the national defence review process acknowledge the role of women in peace and security issues and successfully advocated for the inclusion of the Minister for Gender Affairs on the National Security Council.

2. THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

CEDAW (1979) has provided women with a framework to structure their own national debates and advocacy related to attaining the goal of gender equality (see appendix for the full text). Ratified by 177 (out of 188) countries, it was the first legally binding international convention to set out principles on the rights of women in all fields.⁴ Countries that have ratified it have an obligation to implement CEDAW. It prohibits discrimination, seeks to eradicate it in all areas of women's lives⁵ and prescribes the measures needed to ensure that women worldwide are able to enjoy their rights.⁶ CEDAW covers both public and private acts of violence and sets out recommendations for states to address violence against women, including legal protection, prevention and reporting.⁷

CEDAW's call for increasing women's participation in decision-making processes has been used by national and local governments, as well as regional inter-governmental organisations.

The CEDAW **Optional Protocol** came into force in 1999. By 2004, 75 states had signed the protocol, of which 64 had ratified it. The Optional Protocol strengthens enforcement and compliance with the convention. It allows non-state actors—individuals or organisations—to submit written claims of violations of rights directly to the Committee that monitors CEDAW compliance. This is known as the communications procedure. Second, it gives the Committee a mandate to investigate violations of CEDAW in countries that are signatories to the Protocol.

3. BEIJING DECLARATION AND PLATFORM FOR ACTION

At the 1995 World Conference on Women in Beijing, China, a **Declaration and Platform for Action (BPFA)** was produced by member states that highlighted twelve critical areas of concern regarding women. The BPFA is not a binding document, but since its conclusions were reached through consensus and states are signatories to it, signatories do have a commitment to fulfil their obligations.

Chapter E on Women and Armed Conflict states that the "full participation [of women] in decision-making,

conflict prevention and resolution and all other peace initiatives [is] essential to the realisation of lasting peace.”⁸ The key recommendations for governments regarding women and armed conflict in the BPFA are:

- Recommendation E.1: Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation.
- Recommendation E.2: Reduce excessive military expenditures and control the availability of armaments.
- Recommendation E.3: Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations.
- Recommendation E.4: Promote women’s contribution to fostering a culture of peace.
- Recommendation E.5: Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women.
- Recommendation E.6: Provide assistance to the women of the colonies and non-self-governing territories.⁹
- ensure women’s full participation at all levels and stages of decision-making relating to conflict prevention, resolution, peacekeeping, peacebuilding and post conflict recovery;
- provide gender-sensitive training to all actors in peacekeeping missions;
- support national efforts to promote education and training for women including leadership, advocacy and conflict resolution skills;
- develop gender-sensitive strategies in humanitarian crises resulting from conflicts;
- involve refugees and displaced women in the design and management of humanitarian activities so they derive equal benefits to men;
- mainstream gender perspectives into national immigration and asylum policies, including recognising gender-related persecution and violence when considering grounds for granting refugee or asylum status;
- seek to ensure the full participation of women in the promotion of peace, in particular through the full implementation of the UNESCO Culture of Peace Programme; and
- explore new ways of generating resources for peace and development through reduction of excessive military expenditure and trade and investment in arms production and acquisition.

4. BEIJING +5

In June 2000, a Special Session of the UN General Assembly was convened for the Beijing +5 Review. The aim of the five-year review was to highlight achievements and areas of progress vis-à-vis the Beijing Platform for Action. It was also to note existing obstacles and emerging challenges and identify concrete steps for action to implement the BPFA. Similar to the BPFA, the “Outcomes” document from the review is not binding, but by signing it, member states have officially committed themselves to taking action and can be held accountable.

Key Developments: With regard to conflict resolution and peacebuilding specifically, states at Beijing +5 agreed to:

THE COMMONWEALTH SECRETARIAT

The Commonwealth is an association of 53 countries worldwide.¹⁰ It has three inter-governmental organisations: the Secretariat, the Foundation and the Commonwealth of Learning. The **Commonwealth Secretariat** is the main agency, facilitating interactions and consultation among member states and governments.

The Secretariat has a **Plan of Action (PoA) for Gender Equality 2005–15**. The document reflects the Commonwealth’s principles and values and incorporates its responses to the differential impacts of global changes and challenges on women and men, girls and boys. The PoA works towards the attainment of the **Millennium Development Goals (MDGs)** and gender equality as expressed in the

1995 Beijing Declaration and Platform for Action and the 2000 Beijing+5 Political Declaration and Outcome Document.

In its PoA, the Commonwealth recognises that poverty eradication, the protection and promotion of human rights, the strengthening of democracy and gender equality are intrinsically interrelated. The PoA therefore takes a rights-based approach to all the critical areas it addresses and is grounded in the framework of international and regional human rights conventions and other instruments.¹¹ Four critical areas are prioritised:

- gender, democracy, peace and conflict;
- gender, human rights and law;
- gender, poverty eradication and economic empowerment; and
- gender and HIV/AIDS.

Within these critical areas, the Commonwealth aims to build on and deepen the gender mainstreaming approach introduced in the 1995 PoA and its 2000 Update. Specifically, it aims to address the continuing challenges of gender-based violence and the achievement of women's full participation in leadership and decision-making.

The Commonwealth has made a clear commitment to women's full participation in democracy and in peace processes. The Fifth Meeting of Commonwealth Ministers Responsible for Women's Affairs recommended a target of no less than 30 percent of women in decision-making in the political, public and private sectors by 2005 in 1996.¹² The Commonwealth Heads of Government Meeting in Edinburgh endorsed this target in 1997.

In 2000, the Sixth Meeting of Ministers Responsible for Women's Affairs recommended that the Commonwealth take action, in collaboration with other international organisations and civil society, to include women at all levels of peacebuilding, peacekeeping, conflict prevention, mediation and resolution and post conflict reconciliation and reconstruction activities. While there have been some achievements, the challenge remains to:

- demonstrate the impact of women's contribution to democracy, peace and conflict in member countries;
- promote accountability for international legal instruments that governments have signed and agreed to;
- bring national legislation with international standards as tools for promoting equality;
- encourage political parties to adopt the 30 percent target for women candidates; and
- mainstream gender equality at all stages of the peace process.

G-8

The G-8 comprises the governments of Canada, France, Germany, Italy, Japan, Russia, the United States and the United Kingdom. The European Union also participates in G-8 summits. G-8 leaders meet annually to discuss key international social, economic and political issues. In addition to the yearly leadership summits, meetings are also held at the ministerial level.

At the G-8 July 2001 meeting in Rome, Italy, the **“Summary of Conclusions of the G-8 Foreign Ministers: Women and Conflict Prevention”** was issued. Building on several former resolutions including the “Beijing Declaration and Platform for Action” and Resolution 1325, the G-8 noted that they “will seize the opportunity to set an example for the international community”¹³ with regard to the participation of women in conflict prevention, resolution and post conflict peacebuilding. In particular, the G-8:

- emphasises the importance of the systemic inclusion of women;
- “encourages the participation of all actors of civil society, including women's organisations in conflict prevention and conflict resolution;”¹⁴
- calls for special attention to the needs of female ex-combatants;
- urges gender sensitivity in training materials for peace support operations, including military, civilian police and humanitarian personnel;

- encourages the appointment of more women to national and international posts including Special Representatives of the Secretary General, Special Envoys, Resident Coordinators and other operational positions; and
- “commits to the integration... of gender perspectives and the participation of women in the development, design, implementation, monitoring and evaluation of bilateral and multilateral assistance programmes.”¹⁵

ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD)

The OECD has thirty member countries including all major bilateral donors and works with governments and civil society in seventy countries worldwide. Its members are committed to democratic governance and market economy. “The organisation produces internationally agreed instruments, decisions and recommendations to promote rules of the game in areas where multilateral agreement is necessary for individual countries to make progress in a globalised economy.”¹⁶ The **Development Assistance Committee (DAC)** has 23 members, and is the main body within the OECD that addresses development issues.¹⁷ The Committee adopts policy guidance and issues guidelines for its members in their conduct of development cooperation work. In 1997, the OECD/DAC issued **Guidelines on Conflict, Peace and Development Cooperation**.¹⁸ The Guidelines explicitly recognise that women “play special roles as bridging partners in dialogue, peace negotiations, reconstruction and rehabilitation strategies and contribute their special experience and perceptions to peacebuilding and reconciliation efforts.”

Referencing the Beijing PFA, the Guidelines also state:

Women should be assured equal opportunities to participate in peace fora and activities. Agencies also need to focus on developing efficient strategies and approaches to empower and encourage them to play more assertive roles in shaping a peaceful and viable future for their country through exercises in confidence-building; leadership; negotiation skills, etc.

These principles are further reinforced in the 2001

DAC Guidelines on Helping Prevent Violent Conflict¹⁹ with recommendations to OECD members that they:

- “Actively engage women, men and youth in peacebuilding and policy-making processes. All actors need to take better account of the pervasive linkages between gender differences and violent conflicts and their prevention and resolution.
- Reinforce local capacities to influence public policy, and tackle social and political exclusion.”²⁰

While the recommendations are not binding, they do state the agreed position of major donors vis-à-vis conflict issues and the role of women. These statements should be reflected in the programmatic work of OECD/DAC members in conflict prevention, resolution and post conflict reconstruction.

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)

The Organization for Security and Cooperation in Europe (OSCE) has 55 member states from Europe, Central Asia and North America. It is active in early warning, conflict prevention, crisis management and post conflict rehabilitation. The OSCE prides itself in taking a comprehensive approach to security, addressing a wide range of issues including arms control, preventive diplomacy, confidence-building and security measures, human rights, democratisation, election monitoring and economic and environmental security. All states have equal status and decisions are based on consensus.

The organisation headquarters are in Vienna, Austria, and more than 20 missions and field activities are located in Southeastern Europe, the Caucasus, Eastern Europe and Central Asia. They work “on the ground” to facilitate political processes, prevent or settle conflicts and promote civil society and the rule of law.

The OSCE Gender Action Plan: The OSCE participating states officially “recognise that equality of women and men and the protection and promotion of the human rights of women are essential to sustainable democracy and to security and stability in the OSCE

region.”²¹ On June 1, 2000, the OSCE’s Gender Action Plan was officially approved by member states. The plan addresses the following issues:

- *Gender balance and equality for men and women within the OSCE’s structure*, including:
 - the creation of equal opportunities for women;
 - the appointment of gender specialists in the Secretariat and the Office for Democratic Institutions and Human Rights (ODIHR); and
 - the provision of gender training for all personnel.
- *Equality for men and women in participating OSCE states*, including:
 - coordination with the international community and local NGOs in developing and implementing gender projects;
 - analysis of data on the status of women; and
 - ensuring that the protection and promotion of human rights, including those of women, form an integral part of the work of the OSCE through the **Office for Democratic Institutions and Human Rights (ODIHR)**. Areas of activity include:
 - increasing women’s access to political and public life, and helping NGOs and women political leaders develop effective coalitions and networks;
 - enabling women to participate actively in conflict resolution and management;
 - supporting the development and implementation of legal frameworks for equality and non-discrimination and protection of the human rights of women;
 - assisting persons affected by gender-related violence in conflict and post conflict situations;
 - raising awareness and international cooperation in issues relating to the trafficking in women;
 - encouraging the **High Commissioner on National Minorities** to pay special attention to the status of women belonging to national minorities;
 - supporting efforts by the **Parliamentary Assembly** to promote gender equality in political processes; and

- encouraging the Representative on Freedom of the Media to increase women’s participation in media throughout the OSCE area and to be alert to instances of discrimination against women.

The Gender Action Plan states that in field operations, a gender dimension should be included in the planning of programmes and the appointment of staff. Women in **Kosovo, Bosnia, Russia, Armenia and Azerbaijan** can draw attention to these policies and engage with the OSCE. Field operations should appoint gender specialists as focal points to support and supplement the work of the ODIHR. In large missions, a gender coordinator should be appointed. The work of these specialists would include:

- monitoring and assisting the implementation of gender-sensitive policies and projects within the OSCE;
- identifying potential projects relevant to the advancement of women, cooperating with the ODIHR and other OSCE activities and supporting women’s NGOs to develop related programmes; and
- paying particular attention to the situation of women in conflict and post conflict areas and ensuring inclusion of gender and women’s human rights issues in the reports of missions and field activities.

Using the OSCE Gender Action Plan

The Gender Unit in Warsaw, Poland, has a number of projects through missions or in partnership with local NGOs in different countries, including:

- legal clinics for women, providing free advice, education and awareness-raising on legal rights including inheritance and property rights (**Tajikistan**);
- police training of local police in issues relating to domestic violence and trafficking of women (**Kosovo, Albania, Tajikistan**);
- women’s rights and empowerment (**Armenia**);
- women’s leadership (**Azerbaijan**);
- preventing violence (**Azerbaijan**);
- coalition-building for NGOs (**Georgia**);
- political empowerment and leadership (**Kazakhstan**);
- networking (**Kyrgyzstan**); and
- regional advocacy and coalition-building (**Central Asia**).

AFRICAN UNION (AU)

1. THE SIRTE DECLARATION

This declaration by African Heads of States, issued in 1999, set in motion the creation of the AU. The Declaration was adopted in Lome, Togo, in 2000 and came into force in 2001. As a continental organisation, the AU focuses on the promotion of peace, security and stability. It seeks to promote and protect human and peoples' rights in accordance with the 2001 **African Charter on Human and Peoples' Rights**.

The AU Commission functions as the secretariat of the union. It is the only regional body that has an equal number of men and women commissioners. This development originated during the 2002 launch of the AU when African women succeeded in securing a commitment of equal representation of women and men in the **Durban Declaration**. Within the Commission there is also a **Women, Gender and Development Directorate** with a mandate to oversee women's empowerment efforts and gender mainstreaming in development programmes. Also in 2002, a **Special Unit in the Office of the Chairperson of the Commission** was established with a mandate to coordinate all activities and programmes within the Commission that are related to gender.²²

In June 2004, the AU, the **Gender Directorate**, and the NGO **Femmes Afrique Solidarité** collaborated on the organisation of a pre-Summit Meeting on Gender. This meeting brought together civil society organisations, academics and government representatives to discuss gender issues affecting African women and to draft a **Declaration on Mainstreaming Gender in the African Union**. This declaration can be found on the AU's website: <http://www.african-union.org>.

2. NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT (NEPAD)

NEPAD was conceived as a key strategy for Africa's development and renewal. In the NEPAD framework document and in the follow-up document, the **Declaration on Democracy, Political, Economic and Corporate Governance** (June 2002), specific references are made regarding the need for the promotion of women and the integration of gender

issues in all aspects of the plan for sustainable development. Below is a summary of the key points.

- *Supporting women*—African countries propose:
 - promoting the role of women in all activities as a long-term objective for achieving sustainable development in Africa in the twenty-first century [point 67];
 - promoting the role of women in social and economic development, including by [point 49]:
 - reinforcing their capacity in the domains of education and training;
 - developing revenue-generating activities by facilitating access to credit; and
 - assuring their participation in the political and economic life of African countries;
 - establishing a gender task team to ensure that the specific issues faced by poor women are addressed in the poverty reduction strategies of NEPAD;
 - undertaking actions to advance the cause of human rights in Africa generally and, specifically, to end the moral shame exemplified by the plight of the vulnerable, including women, in conflict situations in Africa [point 10]; and
 - ensuring, as a binding obligation on governments, that women have every opportunity to contribute on terms of full equality to the political and socioeconomic development in African countries [point 11].
- *Promoting peace and security*—African countries propose:
 - promoting long-term conditions for development and security by addressing the political and social vulnerabilities on which conflict is premised [point 73];
 - building the capacity of existing African regional and subregional institutions in four key areas [point 74]:
 - prevention, management and resolution of conflict;
 - peacemaking, peacekeeping and peace enforcement;

- post conflict reconciliation, rehabilitation and reconstruction; and
- combating the illicit proliferation of small arms, light weapons and landmines;
- encouraging individual African states to make all efforts to find a lasting solution to existing conflicts, to strengthen their internal security and to promote peace among the countries [point 77]; and
- undertaking a process of targeted capacity-building initiatives, focusing on [point 83]:
 - administrative and civil services;
 - strengthening parliamentary oversight;
 - promoting participatory decision-making;
 - adopting effective measures to combat corruption and embezzlement; and
 - undertaking judicial reforms.

3. SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

SADC is made up of 14 member states. SADC's main objective is liberating people in the Southern African region from poverty. Another key objective is the promotion of peace and security. HIV/AIDS²³ is highlighted as a major threat to achieving this objective and is therefore accorded priority in SADC's health programmes.

SADC has an **Organ on Defense, Politics and Security Co-operation** that is responsible for promoting peace and security in the region and is engaged in regional peacekeeping. SADC thus maintains a sustainable brigade-sized peacekeeping force.²⁴

Among the priorities of the SADC Secretariat is gender mainstreaming in SADC programmes and activities. A **Department of Strategic Planning, Gender and Development Policy Harmonisation** was established to strengthen the Secretariat in executing these functions. Additionally, a gender mainstreaming framework was created in 1998 and consists of a Committee of Ministers responsible for Gender and Women's Affairs, a regional Advisory Committee including government and NGO representatives, Gender Focal Points and a Gender Unit at the Secretariat. The Committee seeks to strengthen lobbying and advocacy strategies on gender

mainstreaming at both the national and regional levels. SADC also has a Directorate of Social and Human Development and Special Programmes that focuses on gender issues and the promotion and harmonisation of policies and gender development of strategies and programmes. The **SADC Gender Declaration (1997)** calls for a minimum of 30 percent women in decision-making posts in member states by 2005.²⁵ As a means of monitoring progress, SADC has established a gender unit at its Secretariat and launched the *Gender Monitor*, a magazine to report on gender-mainstreaming activities in development programmes across the region.

THE EUROPEAN PARLIAMENT

The European Parliament is the European Union's elected assembly. It has 626 members elected directly by citizens of member states. Each state has a specified number of seats. The parliament's resolution on **The Participation of Women in Peaceful Conflict Resolution** was adopted in November 2000. It refers to the lack of effective international protection and judicial mechanisms available to women victims of war and armed conflict. These deficiencies include:

- the lack of specific references within existing legal frameworks that are meant to protect women from all forms of sexual violence in conflict situations;
- the vague wording of declarations regarding the protection of refugee and IDP women;
- the reality of the situation for women in refugee camps, of raped women in war and rape as a weapon of war, including the resulting stigma and discrimination;
- protection against sexual slavery, especially that of young girls, the needs of girl soldiers and the abusive history of some peacekeepers on some UN missions as contributing factors to the increase in child prostitution and the spread of sexually transmitted diseases; and
- the fact that only two European Union member states had ratified the International Criminal Court at the time the resolution was passed.

This opening statement (Preamble) of the resolution highlights a number of developments in the

international community. It builds on the fact that the rights, priorities and interests of women are frequently ignored and that women are marginalised from negotiation processes. It also notes that donor attention during demobilisation²⁶ of military forces generally focuses on men. The resolution notes that the increased presence of women in peace support operations has resulted in improved relations with local communities, although this increase has only been numerically significant since the 1990s. Similarly, women's peace initiatives across conflict lines are often undertaken at great risk in areas of extreme violence.

The resolution itself makes a series of recommendations categorised into three areas:

The Protection of War-Affected Populations: This section condemns rape, sexual slavery and all forms of sexual violence and misconduct. It calls upon member states to ratify and update the wording of the **Geneva Convention on the Protection of Women and Children in Armed Conflict** and to increase funding for health, counselling and witness protection services to victims of rape and sexual violations.

The resolution also includes a call for gender-sensitive training on peace and security initiatives and training on gender aspects of conflict resolution. It calls for the use of local gender expertise and research on gender-based violence during and after conflicts. It also highlights the need for the integration of a gender perspective in the planning of refugee camps.

International Efforts to Prevent and Solve Armed Conflicts: The resolution stresses that current conflicts demand the increased use of non-military methods of crisis management and, accordingly, calls on member states and the European Commission to take action by recruiting more women into diplomatic services. It requests the nomination of more women to international diplomatic assignments and senior positions within the UN and an increased percentage of women in delegations to national, regional and international meetings concerned with peace and security. It suggests that there should be a quota of at least 40 percent of women in all areas. These women should hold posts in reconciliation, peacekeeping, peace enforcement, peacebuilding and

conflict prevention. In reconstruction efforts, it states that gender analysis should be integrated into the planning and practice of external interventions and that the establishment of a national machinery for gender equality within governments should be promoted through a Ministry of Women's Affairs, a Gender Desk or an Office of the Status of Women.

Community-Based Participation in the Prevention and Resolution of Armed Conflicts: It is widely recognised that women play a crucial role in the rebuilding of societies after conflict. To prevent their marginalisation, the resolution stresses the importance of local involvement and ownership of the peace and reconciliation process. The resolution calls on member states and the European Commission to support the creation and strengthening of NGOs. They should also ensure that the warring factions incorporate civil society representatives—50 percent of whom should be women—into their negotiation teams. They should promote public debate in post conflict regions on gender-based abuses to ensure that both men and women benefit from external reconstruction initiatives in the process. They should also ensure that the specific rehabilitation needs of girl soldiers are addressed.²⁷

The resolution, although not binding, can influence European policies and programmes in the area of conflict.

ORGANIZATION OF AMERICAN STATES (OAS)

The OAS brings together countries in the western hemisphere. It is the region's primary forum for dialogue and cooperation. As part of the structure of the OAS, the **Inter-American Commission of Women (CIM)** has taken the lead on the advancement of women. The CIM was formed in 1928 with a mandate "to ensure [the] recognition of the civil and political rights of women."²⁸ It continues to play an important role in advocating women's participation in governance structures in the region. In February 1998, the CIM prioritised this issue with particular emphasis on the transformation of member states' political cultures, the stereotypical gender-based images in the media and education. Increasingly, it

has become focused on issues of women, peace and security, having held a videoconference with the chair of the Hemispheric Security Committee and women peacebuilders from throughout the region in July 2003.

In November 2002, the **Fifth Conference of Defense Ministers of the Americas** met in Santiago, Chile, and produced a declaration that noted their:

...satisfaction for advances in the incorporation of women to the armed forces and security forces in the Hemisphere's states, thereby allowing for a growing degree of equal opportunities...Likewise, we value the holding of the first "Seminar on the Role of Women in Peacekeeping Operations," ...in response to the mandate in UN Security Council Resolution 1325 of October 31, 2000.²⁹

In October 2003, the **Declaration on Security in the Americas** was signed in Mexico City by the foreign ministers of the hemisphere and included the following:

The states of the Hemisphere reaffirm the importance of enhancing the participation of women in all efforts to promote peace and security, the need to increase women's decision-making role at all levels in relation to conflict prevention, management, and resolution and to integrate a gender perspective in all policies, programs, and activities of all inter-American organs, agencies, entities, conferences, and processes that deal with matters of hemispheric security.³⁰

While neither of these statements is binding, they do represent a strong commitment on the part of OAS member states. Language from each of these declarations has been used in subsequent documents to reiterate the role of women in hemispheric security, and NGOs regularly call upon these documents for advocacy purposes. Civil society and others are currently working toward a General Assembly resolution that would incorporate this language to further strengthen the commitment of OAS member states to the issue of women, peace and security.

SOUTH ASIAN ASSOCIATION FOR REGIONAL CO-OPERATION (SAARC)

SAARC is made up of seven South Asian States: Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka.

SAARC signed a **Framework Agreement with the Economic and Social Commission for Asia and the Pacific** in February 1994 to provide for cooperation on developmental issues such as the prevention of drug trafficking, poverty alleviation and human resource development.³¹

In 1990, SAARC initiated its **Social Agenda**, which includes a focus on social issues such as the eradication of poverty and the development of women and children. The decade 2001–2010 has been designated the SAARC Decade of the Rights of the Child. SAARC is particularly concerned with the trafficking of women and children and has developed a regional **Convention on the Prevention of Trafficking on Women and Children**. This Convention includes mechanisms for the prosecution of persons involved in trafficking under national laws. It also provides for assistance in investigations and for the orderly repatriation of victims of trafficking.³²

OTHER REGIONAL ORGANISATIONS

As of 2004, other regional organisations such as the **Association of South East Asian States (ASEAN)** and the **League of Arab States** had not issued resolutions or declarations regarding women's participation in issues of peace and security. ASEAN, comprising ten member states, including a number of post conflict countries such as Cambodia, Vietnam and Laos, has made economic development a priority. Among members of the League of Arab States, Egypt has taken a leading role in promoting issues of women's peace and security, particularly through the **Suzanne Mubarak Women's International Peace Initiative**. The League itself, however, has not adopted any related policies.

ACRONYMS

AU	African Union
ASEAN	Association of South East Asian States
BPFA	Beijing Platform for Action
CIM	Inter-American Commission of Women
CEDAW	The Convention on the Elimination of All Forms of Discrimination Against Women
DAC	Development Assistance Committee of the OECD
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
IDP	Internally Displaced Person
MDG	Millennium Development Goals
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
ODIHR	Office for Democratic Institutions and Human Rights of the OSCE
OECD	Organisation for Economic Cooperation and Development
OSCE	Organization for Security and Cooperation in Europe
OAS	Organization of American States
PoA	Plan of Action
SAARC	South Asian Association for Regional Co-operation
SADC	Southern African Development Community
UN	United Nations
UNIFEM	United Nations Development Fund for Women

ENDNOTES

1. However, it is worth noting that there are no mechanisms currently developed to enforce states' compliance.
2. The acronym IDP is used interchangeably to describe "internally displaced persons" and "internally displaced people."
3. In 2004, members of the Working Group were: International Alert, the Women's Commission on Refugee Women and Children, the Hague Appeal for Peace, the International Women's Tribune Center, Femme Afrique Solidarité, Women's Actions for New Directions, Women's International League for Peace and Freedom, and Women's Division and General Board of the Global Division of the United Methodist Church.
4. See <<http://www.un.org/womenwatch/daw/cedaw/states.htm>>.
5. Mazurana, Dyan E. and Susan R. McKay. *Women and Peacebuilding*. Montreal: International Centre for Human Rights and Democratic Development, 1999. 66-69.
6. See <www.un.org/womenwatch/daw/cedaw/>.
7. See General Recommendation 19, Committee on the Elimination of Discrimination Against Women, 11th Sess., Agenda Item 7 at Sect. 25, CEDAW/C/1992/L.1/Add.15, 1992.
8. Fourth World Conference on Women, *The Platform for Action; Global Framework, Article 23*. New York: United Nations, 1996, at <www.un.org/womenwatch/daw/beijing/platform/plat1.htm#framework>.
9. Ibid.
10. These countries are former British Colonies. For more information see <<http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=20596>>.
11. See chapter on human rights.
12. *The Commonwealth Plan of Action for Gender Equality 2005-2015*. Nadi, Fiji: Commonwealth Secretariat, 2004. 28 September 2004 <http://www.beta.fiji.gov.fj/uploads/POA_final_2_June_042.pdf>.
13. *Summary and Conclusions of the G8 Foreign Ministers: Women and Conflict Prevention*, Rome, July 2001 27 September 2004 <<http://www.womenwagingpeace.net/content/articles/G8ForeignMinistersStatement.pdf>>.
14. Ibid.
15. Ibid.
16. OECD, 27 September 2004 <http://www.oecd.org/about/0,2337,en_2649_201185_1_1_1_1_1,00.html>.
17. See chapter on Social and Economic Reconstruction for information on OECD/DAC members.
18. *OECD/DAC Guidelines on Conflict, Peace and Development Cooperation*. 27 September 2004 <<http://www.jha.ac/Ref/r017.pdf>>.
19. *Executive Summary, DAC Guidelines Helping Prevent Conflict*. 27 September 2004 <http://www.oecd.org/document/45/0,2340,en_2649_34567_1886125_119820_1_1_1,00.html>.
20. Ibid.
21. See <<http://www.womenwagingpeace.net/content/articles/OSCEGenderActionPlan.pdf>>.
22. Dupree, Lila, and Kemi Ogunsanya. Mainstreaming Women into NEPAD: In-Visible Progress? Unpublished article, Women Waging Peace: Washington DC, 2002.
23. See chapter on HIV/AIDS.
24. See <www.africa.upenn.edu>.
25. See <www.ilo.org/public/english>.
26. See chapter on DDR.
27. See <<http://www.peacewomen.org/resources>>.
28. See <www.oas.org/cim/English/About.htm> for more details.
29. *V Conference of Ministers of Defense of Americas Declaration of Santiago, Chile*. <<http://maria.webpg.net/Archivo/d0000197.htm>>.
30. *Declaration on Security in the Americas* <http://www.oas.org/documents/eng/DeclaracionSecurity_102803.asp>.
31. See <www.saarc-sec.org>.
32. See <www.indianembassy.org/South_Asia/SAARC>.

Human Rights

SANAM NARAGHI ANDERLINI AND JOLYNN SHOEMAKER

As the **Universal Declaration of Human Rights (UDHR)** states, “freedom, justice and peace in the world” are founded on the basis of “the inherent dignity and the equal and inalienable rights of all members of the human family.”¹ At the same time, every man, woman and child has the right to peace and the absence of violence. The violation of human rights and armed conflict are often inextricably linked; systematic abuse of the human rights of particular sectors, communities or groups can result in conflict, and violent conflict in turn results in further violations of human rights. In other words, human rights are inextricably linked to issues of conflict, peace and security.

There can be no form of good governance, justice, rule of law or security without respect for human rights. Yet too often, states forego basic human rights—particularly civil and political rights—in the name of security. It can be a difficult balancing act. Since the “war on terror” was launched, for example, the civil rights of sectors of the **United States (US)** population have been threatened in the name of security for the majority. In many other countries, including **Afghanistan, Colombia, Iraq and Russia**, the fundamental human rights of many communities have been violated.

Upholding human rights can be a challenging goal, particularly in societies with a history of violence or oppression. In such societies, violence, fear and impunity must be replaced by peace, freedom and accountability. This involves transforming the way the government interacts with citizens. Human rights must be integrated into every facet of reconstruction and institution building. This requires a commitment by the government, civil society and the international community to support, implement and enforce human rights standards. This chapter provides an overview of human rights and related law in the context of conflict. It highlights the impact of human rights violations on women and provides examples of efforts to prevent, document and redress human rights violations.

1. WHAT ARE HUMAN RIGHTS?

Human rights can be defined as the rights of all individuals regardless of sex, race, colour, language, national origin, age, class or religious or political beliefs to certain fundamental freedoms.² Human rights are universal, inalienable, indivisible and interrelated.³ Every state has the obligation to promote universal respect for all human rights without discrimination, regardless of cultural or other differences. Every person not only has rights, but also has the responsibility of respecting the rights of others.

Although modern human rights laws were formulated in the wake of World War II, they have ancient and global origins. The great religious traditions—Buddhism, Christianity, Confucianism, Hinduism, Judaism and Islam—include such universal human rights tenets as the responsibility of human beings towards others and respect for human dignity. Philosophies around the world have long explored the nature of relations between individuals and the moral responsibilities of individuals within society.⁴ This prevalence of human rights principles in moral and religious traditions across the world

makes a strong case against those who claim that human rights are a “western concept.”

The first recorded version of a human rights declaration dates back to 570 BC and Cyrus the Great of Persia. His Charter of Freedom of Humankind recognised the right to liberty, security, freedom of movement and residence, right of property, freedom of religion, right to work and the prohibition of slavery.⁵ Throughout the centuries, other documents established the rights and responsibilities of citizens of countries, including the Treaty of Westphalia, the Bill of Rights in Britain, the French Declaration of the Rights of Man and Citizens and the US Bill of Rights.

The founding documents for modern international human rights are called **The International Bill of Human Rights** and consists of the **United Nations (UN) Charter**, the **Universal Declaration of Human Rights**, the **International Covenant on Civil and Political Rights (ICCPR)** and the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**.

The UN Charter establishes the legal and conceptual framework for contemporary international human rights law.⁶ Article 1 of the UN Charter recognises that one of the UN’s purposes is to promote and encourage respect for human rights and fundamental freedoms. Article 55(c) states that the United Nations shall promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.”⁷

The Universal Declaration of Human Rights (UDHR) recognises the universality of human rights; the preamble states that the UDHR is a “common standard of achievement for all peoples and all nations (see appendix for full text).”⁸ Although the UDHR is not a treaty, it has become a source of **customary international law**, meaning that states have a sense of legal obligation to observe norms and these norms are reflected in the general practice of states.⁹ The UDHR has gained widespread acceptance among states and is considered to be an authoritative interpretation of human rights in the UN Charter.¹⁰ The UDHR articulates political and civil rights as well as economic and social rights and has served as a basis for more than 20 international human rights treaties.¹¹ The

human rights and fundamental freedoms in the UDHR include:

- right to non-discrimination;
- right to life, liberty and security;
- prohibition of slavery;
- prohibition of torture and cruel, inhuman or degrading treatment or punishment;
- right to equality before the law;
- prohibition of arbitrary arrest, detention or exile;
- right to a fair and public hearing;
- right to privacy;
- freedom of movement and residence;
- right to nationality and citizenship;
- right to marriage and family;
- right to own property;
- freedom of thought, conscience and religion;
- freedom of opinion and expression;
- freedom to peaceful assembly and association;
- right to representative government;
- right to social security;
- right to work;
- right to adequate standard of living;
- right to education; and
- right to participate in cultural life.

The ICCPR and the ICESCR treaties are legally binding. By ratifying them, states are bound to abide by their provisions.¹² These two conventions include more detailed explanations of the rights and freedoms enumerated in the UDHR. The ICCPR covers civil and political rights, sometimes referred to as “**first generation**” rights. The ICESCR specifies social, economic and cultural rights, also referred to as “**second generation**” rights. Although the UN has reaffirmed that all human rights are equal in importance, civil and political rights have received more attention in implementation and enforcement.

Implementation of each of these conventions is monitored by a UN committee: the ICCPR by the

UN Human Rights Committee and the ICESCR by the UN Committee on Economic, Social and Cultural Rights. The ICCPR has two optional protocols. A protocol supplements a treaty and adds additional procedures or provisions or interprets existing provisions in another treaty.¹³ The purpose of the first Optional Protocol to the ICCPR is to establish enforcement mechanisms by allowing individual victims of human rights abuses to communicate directly with the Committee on Human Rights. The ICESCR does not have a similar protocol for enforcement.¹⁴

Numerous international documents—treaties, declarations, resolutions, recommendations, decisions and actions—have been developed in the years since the **International Bill of Rights** was created, addressing such human rights topics as non-discrimination, self-determination, women’s rights, children’s rights, prohibitions against slavery and forced labour, transitional justice and rule of law, humanitarian law and other rights and freedoms. For example, the **UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** came into force in 1987.

Specialised international agencies of the UN, the **International Labour Organization (ILO)** and other multilateral institutions have contributed to the recognition and respect for human rights. Regional institutions have created their own instruments to guarantee human rights, including the **African Charter of Human and People’s Rights**, **Asian Human Rights Charter**, **European Convention on Human Rights** and the **American Convention on Human Rights**. Individual governments have responded to international human rights obligations and to pressure from multilateral organisations, other governments and non-governmental organisations (NGOs) by formulating legislation, regulations, court decisions and pronouncements addressing human rights. All of these documents and actions have helped define, explain and expand the scope of international human rights standards.

2. WHAT ARE WOMEN’S HUMAN RIGHTS?

Women’s experiences of human rights violations are heavily coloured by their sex, gender roles and status

in society. For example, they more often experience cruel, inhuman or degrading treatment through gender-based violence. They are denied economic human rights by the disproportionate impact of economic policies. They are targets of discrimination in laws pertaining to citizenship, family and property.¹⁵ They are denied social rights in the form of restrictive reproductive laws and policies.¹⁶ To elaborate on the **International Bill of Human Rights** instruments, in 1979 the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** was drafted (see appendix for full text). It came into force in 1981. In 1999 the **CEDAW Optional Protocol** came into force. This provides two mechanisms for enforcing the convention. The Protocol permits women to submit claims of discrimination directly to the committee that oversees CEDAW compliance. It allows the committee to initiate its own investigations into violations of women’s rights in countries that are signatories to the Protocol (see introductory chapters for detailed information on CEDAW).¹⁷

CEDAW has been a touchstone for women’s rights activists worldwide. It inspired numerous related declarations, policies and programmes. The 1995 **Beijing Platform for Action (BPFA)** that emerged from the Fourth World Conference on Women, is another critical and even more comprehensive document. This and other policy documents are not legally binding, but they do supplement existing human rights instruments and set new standards in terms of governments’ and the international community’s commitments to women’s human rights.¹⁸

VIOLATIONS AGAINST WOMEN: KEY ISSUES

Human rights violations against women are often rooted in discrimination. Because of their unequal status in many societies, economic and social development, health conditions and criminal activities often have a disproportionate impact on women. Some examples of human rights issues with a particular gender dimension are noted below.

Violence against women:¹⁹ “Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life.”²⁰

Violence against women is a widespread human rights abuse around the world. Women experience violence during peace and conflict, in the home and in the workplace. Often, governments fail to prevent such violence, crimes are treated as less seriously than other types of violence, and perpetrators are not punished. Women endure mistreatment and discrimination in the law enforcement and judicial systems. Types of violence that affect women disproportionately include domestic violence, sexual assault and harassment, honour killings, harmful traditional practices such as female genital mutilation (FGM) and gender-based crimes during armed conflict, specifically sexual assault and rape.

Women are also particularly vulnerable to trafficking (i.e. transportation of people under false pretences) for forced labour and other illicit purposes. Data published in 2004 reveals that 80 percent of the victims trafficked across international borders are girls and women, and 70 percent of those girls and women are trafficked for sexual exploitation.²¹ The disproportionate effects of this type of crime on women are often exacerbated by corruption in the government—officials who facilitate trafficking rings. Often governments react to trafficking problems by instituting laws and policies that punish trafficking victims rather than the criminals who are involved.

Women political prisoners also experience gendered forms of violence and humiliation. Often sexual torture is used. Pregnant women are often threatened with beatings or having their children taken away from them. Even in cases of relatively minor actions, such as public protests, in many instances, women who are arrested can be subjected to virginity tests and penalised for so-called immoral behaviour.

Health and Reproductive Rights: Malnutrition, pregnancy complications, inadequate health access and care and increasingly, HIV/AIDS, are all problems that affect women in high numbers around the world. Violence against women, the spread of diseases, including HIV/AIDS, gender discrimination and lack of access to information and health care all make women particularly susceptible to illness and death (see chapters on HIV/AIDS and reproductive health for more information).

Women's health rights are intertwined with various other human rights found in the Universal Declaration on Human Rights and other instruments, including the right to non-discrimination, the right to liberty and security of person, the right to life and survival, the right to be free from inhuman and degrading treatment, the right to privacy, the right to marriage and family and the right to education.

Educational Rights: Girls are denied equal access to education in many countries. Of all children worldwide who receive less than four years of education, two-thirds are girls. Of the 60 percent of children worldwide who are not in school, girls are 60 percent. Illiteracy affects girls and women disproportionately—70 percent of the world's illiterate are women, and more than half of the world's women over the age of 15 cannot read or write.²² Women's lack of education limits their political and economic opportunities.

Women's education rights are linked to other fundamental human rights, including the right to equality, the right to work, the right to an adequate standard of living and freedom of thought, conscience, religion and belief.

Economic and Labour Rights: Women are 70 percent of the world's poor and own only one percent of the world's wealth. Overall, women have less control than men over resources, including cash, credit, property, land and wealth in societies around the world.²³ Women in many countries around the world are denied legal rights to own, inherit or transfer property, land and wealth. These disparities affect women's full enjoyment of other human rights.

In the workplace, women have fewer job opportunities than men, they are paid less (30–40 percent less), and they work longer hours.²⁴ Women perform unpaid domestic labour and are relegated to lower-paid sectors of the economy. Women encounter discriminatory laws and practices in the workplace. In addition, they experience a high incidence of sexual harassment and workplace violence. Women in specific sectors, such as migrant work and domestic service, are particularly vulnerable to abuse.²⁵

Women often face a double burden of domestic responsibilities in the home combined with employment outside the home. In post conflict

situations, this is compounded because women are often the sole breadwinners and heads of households, and may also be faced with the effects of displacement, destruction and lack of family labour. In addition, as widows, in many societies women are discriminated against and have limited rights to inheritance, property ownership or even custody of their children (see chapter on post conflict reconstruction).

Parental and Marital Rights: Lack of equality in marriage, including limited rights to divorce and child custody, not only results in a violation of women’s rights, but can also result in violence against women in the home (see chapter on constitutional law for more information).

Civic and Political Rights: In many countries, women are denied opportunities for civic and political participation through discriminatory laws, practices and views. In addition, women are faced with poverty, lack of education, endemic violence and other constraints that prevent them from becoming involved in public life. As a result, women are underrepresented in political organisations and parties, elected office and formal government structures. Women face specific challenges in the areas of voter registration and voting, campaigning for political office and representation in legislatures (see chapter on governance).

3. ADDRESSING HUMAN RIGHTS DURING CONFLICT: WHAT LAWS EXIST?

Over the centuries and across the world, attempts have been made to limit wartime behaviour and codify military conduct. The concept of war crimes is noted in Hindu codes dating back to 200 BC, while in 1625 the notion of “humanitarian treatment of civilians” was suggested.²⁶ However, significant development and change can be attributed to Henri Dunant, founder of the International Committee of the Red Cross, who played a critical role in drafting the first Geneva Convention to protect the sick and wounded in wartime. This convention, signed in 1864, was followed by a number of treaties between 1899 and 1925 relating to the use of poisonous gas and the practice of biological warfare. In the following decades, other conventions

emerged, addressing issues ranging from the treatment of prisoners of war in 1929 to four conventions on the protection of civilians and shipwreck victims in 1949. In 1977, two additional protocols to the 1949 conventions extended protection to civilians in civil war as well (see box). Together this body of legislation is known as **International Humanitarian Law (IHL)**.

The Geneva Conventions and Protocols

Convention I (1949) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

Convention II (1949) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked members of the armed forces at Sea.

Convention III (1949) relating to the Treatment of Prisoners of War.

Convention IV (1949) relating to the Protection of Civilians in Times of War.

Protocol I (1977) relating to the Protection of victims of International Armed Conflict extends protection to victims of wars against racist regimes, wars of self-determination and against alien oppression.

Protocol II (1977) relating to the Protection of Victims of Non-international Armed Conflict extends protection to victims of internal conflicts in which an armed opposition controls enough territory to enable them to carry out sustained military operations.

The basic protection and prohibitions stated in the four 1949 Conventions and Additional Protocols of 1977 include the following:

- **Distinctions between soldiers and civilians:** Combatants must be clearly distinguished from civilians by wearing uniforms and carrying weapons openly. Exceptions are made for medical and religious personnel, who may wear uniforms. Medical personnel may also carry small arms to use in self-defence against illegal attacks.

- Mercenaries are combatants who are not nationals of any party to the conflict, are often paid more than soldiers and are not protected by the conventions.
 - A civilian shooting a soldier is liable for prosecution, but a soldier shooting another soldier is not.
 - A soldier that violates the rules of separation with civilians and endangers the life of civilians is no longer protected by the conventions.
- Civilians must not be subject to collective punishment or reprisals;
 - Civilians must not receive differential treatment based on race, religion, nationality or political allegiance; and
 - Warring parties must not use or develop biological or chemical weapons, and must not allow children under 15 to participate or be recruited into the armed forces.”²⁹
- **Prisoners of War (POWs):** Prisoners of war must be treated humanely. Specifically they must not be subjected to torture, medical or scientific experiments of any kind. Violence toward or intimidation and public displays of POWs are illegal. POWs must not be used as human shields. They should not be exposed to danger. POWs cannot be punished for acts committed during fighting—unless the opposing side would punish its own soldiers for the same act.²⁷
 - **Treatment of journalists:** In the first three conventions, journalists were considered civilian members of the military and were protected as combatants. For example, they did not have to respond to interrogation. Their status changed in the 1977 Protocols, which explicitly recognised them as civilians. As a result, journalists cannot be deliberately targeted, detained, questioned or mistreated any more than other civilians. But it also means that journalists must not wear military uniform or carry weapons.²⁸
 - **Treatment of civilians:** The four 1949 Geneva Conventions and the 1977 additional protocols protect civilians in wartime. Specifically:
 - “Civilians are not to be attacked—either directly or indiscriminately in areas where they are present;
 - There is no destruction of property unless justified by military necessity;
 - Individuals and groups must not be deported, regardless of motive;
 - Civilians must not be taken hostages;
 - Civilians must not be subject to outrages on their dignity, and they must not be tortured, enslaved or raped;

Since the 1977 protocols, efforts have been made to raise the minimum legal age to 18 for participation in hostilities and armed forces. This is recommended in the **Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict**. Despite resistance on the part of many states, with the changes in the nature and conduct of war and in response to advocacy efforts of the human rights community, the international legal framework is evolving.

In addition, the statutes of the International Criminal Court (ICC), and indictments emerging from the international tribunals for **Rwanda** and the former **Yugoslavia** (ICTR and ICTY) have broken new ground in the field of international law as it relates to war and the use of sexual violence. For example, as a result of rulings in cases against key commanders in the **Bosnian** conflict, notions of liability for rape have expanded so that individuals can be held responsible not only for committing the act, but also for planning, abetting or ordering it. They can also be held responsible for knowing that rape is taking place, but failing to stop it (see chapter on transitional justice).

WOMEN'S HUMAN RIGHTS IN WAR AND CONFLICT

The onslaught of violence and war affects the security and human rights of men and women in society. In most instances, the basic social, economic or political rights of men and women are violated, as schools close, health care services diminish, the economy weakens and jobs are lost and militias and armed forces take over. In addition for men, enforced conscription into fighting forces, imprisonment and death are immediate dangers. Often there are greater restrictions placed on men than women in terms of travel or movement, for example.

For women, the circumstances vary. While they may not be in immediate danger of conscription, they are more vulnerable to attack within their homes and communities—from security forces or criminal gangs and looters. In **Iraq**, girls and working women in particular have been affected as violence on the streets and fear of kidnapping have increased.

Women and girls are often deliberately targeted for sexual abuse as a means of “dishonouring” their community or “demoralising” their male cohorts in liberation or ideological struggles. In **Nepal**, women from areas controlled by Maoists are often targets of abuse by state security forces. In **Iran**, in the immediate years after the 1979 revolution, young women with “leftist” tendencies were raped in jail prior to execution, as it was said that “virgins” go to heaven. Reports of rape and even the deliberate spread of HIV/AIDS as strategies of war have been commonplace in the **Democratic Republic of the Congo (DRC)** and elsewhere in **Africa**.

But the emphasis on sexual violence against women and the depiction of women in conflict situations as passive, vulnerable victims detracts attention from other violations and challenges facing them. For example, in **Bosnia**, in the 1990s, many women did not want to draw attention to their own experiences of rape; instead they wanted to focus on the mass killings of their male relatives and the needs of the children and elderly. The focus on women as rape victims has the danger of stripping away their dignity and sense of agency. Similarly, in **Afghanistan**, while internationally the “burkha” was highlighted as the symbol of women’s subjugation, it was not a priority for Afghan women themselves. They were more concerned about addressing fundamental issues of survival such as access to health care, education, food and ensuring security in the streets.

By definition, refugees and internally displaced women have had their most basic rights to security violated and continue to face a range of other abuses on a daily basis (see chapter on refugees and internally displaced persons). In peace negotiations, women remain marginalised, and their concerns are often ignored or traded off (for more information see chapter on peace negotiations and agreements). Post conflict—a time when there is an opportunity to redress discrimination and initiate programmes and

policies that would uphold women’s rights—they remain either invisible or are addressed in token projects (see chapter on post conflict reconstruction).

4. DEFENDING AND UPHOLDING HUMAN RIGHTS IN CONFLICT: WHAT IS BEING DONE?

Despite the existence of international laws and conventions codifying war, in reality, human rights violations take place regularly, and civilians have been increasingly caught in the crossfire. In World War I, civilian casualties accounted for an estimated 1.5 percent of casualties. In World War II they represented 65 percent, largely as a result of the bombing raids over cities. By the 1990s, civilians made up between 80 to 90 percent of casualties.³⁰ Violent conflict brings such devastation that survival and the protection of life become the key goals for those who are caught in the violence and for those who choose to help. In **Bosnia** and **Rwanda**, there were countless tales of neighbours hiding neighbours from security forces or mothers shielding their children from massacre. In **Central America** and elsewhere, the church as an institution was critical in protecting civilians. In **South Africa**, the leadership of the liberation movement played a critical role in not only promoting respect for the human rights of all, but also curbing the potential violence and violations that could have occurred.

On a global scale, governmental and non-governmental humanitarian organisations and agencies are at the front lines, providing food, shelter, medical care and some security away from the violence (although as noted above and elsewhere, women experience violence in camps as well). The **International Committee of the Red Cross (ICRC)** was a pioneer in this field, and remains one of the world’s leading movements committed to protecting the lives and dignity of victims of war and internal conflict and giving assistance.³¹ In addition, as mandated in the Geneva Conventions, the ICRC is permitted to visit prisoners of war and civilian internees, monitor their treatment in accordance with international humanitarian laws, facilitate communication with their families and have confidential dialogues about their status with the authorities holding them.

In recent years, new initiatives have emerged. For example, **Peace Brigades International (PBI)** sends teams of volunteers into areas suffering from conflict and repression to accompany human rights activists and others threatened by political violence. Given that perpetrators of violence—particularly states—are sensitive to witnesses, PBI's presence can help stem the violations.³² Similarly the **Non-violent Peaceforce**, composed of organisations and individual members, is dedicated to establishing a trained, civilian, non-violent peace force that is sent to areas of conflict to prevent human rights violations, death and destruction and to promote a space for non-violent interaction.³³ In 2002, some 130 peace force delegates from 47 countries went to **Sri Lanka** to launch their first project.

But the protection of social, economic, cultural or political human rights becomes either a secondary goal or impossible in times of conflict for the victims and for international actors. For example, despite the outcry against the humanitarian crisis in **Darfur, Sudan**, in 2004, the international community has not been able to stem the flow of people being forced out of their homes and villages. In the **Palestinian** territories, despite the Geneva Conventions stating that the destruction of property is illegal, thousands of homes and olive groves have been razed to the ground by occupying Israeli forces.

In the face of such overwhelming obstacles, activists often resort to documenting the abuses they witness and reporting on them. As international organisations such as **Amnesty International (AI)** or **Human Rights Watch (HRW)** state, they “investigate, and expose human rights violations and hold abusers accountable.”³⁴ By shedding light on the abusive practices of governments or those in power, they seek to hold them accountable to the international policy community and the public. This continuous monitoring and public reporting can be effective. For example, in 2004, reports by international organisations including the ICRC and HRW about abuses by US military personnel against civilians in detention in **Afghanistan** and **Iraq**, prompted public enquiries, punishment for some of the perpetrators and changes in practice towards other prisoners.

Journalists and the media also play a critical role. For example, reports from a United Kingdom (UK)-based newspaper prompted investigations into allegations of

abuse against local women and young girls by UN peacekeepers in the **DRC**. In 1994, a New York-based newspaper was the first to report on the “rape camps” in **Bosnia**. These reports played a significant role in persuading the UN system to establish war crimes tribunals.³⁵

Local groups including NGOs are also key actors. Often they have access to areas in conflict and through their networks and ties with communities are able to gather information without putting their contacts in danger. They are also often trusted more locally and are thus able to elicit more information. In **South Asia**, for example, the South Asia Forum for Human Rights brings together human rights and peace activists in public dialogues. The organisation works with local media to build their capacities in reporting on the war and issues of human rights abuse. They also conduct “peace audits” to monitor governments’ commitments to peace processes. A different approach was taken by the women of Las Madres de la Plaza de Mayo in **Argentina**. Throughout the worst years of the military dictatorship in the 1970s and 1980s, they held vigils and peaceful protests, carrying poster-size portraits of their missing children and relatives, which exposed the rampant human rights abuses of the regime.

Many groups advocate for justice, redress and an end to impunity for crimes committed during war. Lawyers often form associations to advocate for human rights legislation. They also can become champions of human rights in court, taking on critical cases. For example, the 2003 Nobel Laureate, Shirin Ebadi, is renowned for not only fighting for women’s and children’s legal rights, but also seeking to frame these rights in the context of Islamic law.

The documentation of abuses serves as the basis for their claims (see chapter on transitional justice). In addition, in **Bosnia**, for example, local women’s organisations provided counselling to victims and assisted their preparations for appearances as witnesses at the international tribunal.³⁶

In many instances, organisations also develop human rights training programmes targeting key governmental security and legal personnel. This has a dual purpose. On the one hand they raise awareness and understanding of human rights law among entities that

are often accused of abusing rights. On the other hand, training sessions can provide a venue for interactions that lead to increased governmental/civil society cooperation on the development of policies, legislation and increased support for human rights principles.

5. ADDRESSING CLAIMS AND ENFORCING LAWS: WHAT MECHANISMS EXIST?

INTERNATIONAL LEVEL

Internationally, and within the UN system, a number of mechanisms exist through which NGOs and other groups or individuals can report human rights violations. Key institutions at the international level include:

UN Commission on Human Rights: This commission consists of 53 member states elected by the **UN Economic and Social Council (ECOSOC)**. It conducts fact-finding studies and discussions about human rights issues in countries that come to its attention, without requiring the approval of the related government. Under a specific procedure created by ECOSOC, the Commission can consider cases of massive violations of human rights that are brought to attention by individuals or groups. If the Commission decides to consider the case, the accused government is invited to participate in the proceedings. The proceedings are otherwise confidential, and there is no communication with the author of the complaint.

UN Human Rights Committee: This committee of 18 independent experts was established to monitor implementation of the ICCPR. The Committee examines progress reports from states, considers state complaints against other states and addresses individual complaints by victims. The Committee can consider individual complaints against states that have ratified the ICCPR and the first Protocol to the ICCPR. The Committee makes factual and legal findings and produces non-binding recommendations.

UN Committee on Economic, Social and Cultural Rights: This Committee receives formal NGO submissions and oral statements and organises discussions with experts relating to human rights embodied in the ICESCR. The Committee does not accept individual complaints.

UN Commission on the Status of Women: The purpose of this Commission is to promote implementation of the principle of equal rights. The Commission prepares recommendations and reports to ECOSOC on promoting women's rights in political, economic, civil, social and educational fields.

UN Committee on the Elimination of All Forms of Discrimination Against Women: This UN Committee reports on and monitors the implementation of CEDAW. Signatory governments are required to submit reports on their progress. NGOs can communicate with the Committee and can submit "shadow reports" on countries' compliance with CEDAW. Under the CEDAW Optional Protocol, the Committee can accept individual complaints, but enforcement is weak.

UN Committee Against Torture: This UN Committee accepts individual complaints and communications under certain circumstances. It issues general comments on themes relating to the right to be free from torture and cruel, inhuman and degrading treatment and punishment.

REGIONAL LEVEL

Regional mechanisms for reporting human rights violations include:

The Inter-American Commission on Human Rights: The Commission is part of the **Organization of American States (OAS)** and was created by the **American Convention on Human Rights**. It receives individual, group and NGO petitions, observes human rights situations, publishes reports, conducts on-site visits, organises conferences and meetings and recommends various measures to governments. The procedure for submitting an individual complaint is as follows: the state that is the subject of the complaint must be a member of the OAS. The petitioner must have exhausted all domestic remedies. The petitioner must submit the complaint within six months after the final decision in the country. The Commission issues a report with conclusions and recommendations and has the option of referring the case to the **Inter-American Court of Human Rights**.

The Inter-American Commission of Women (CIM): This commission is the advisory body to the OAS in all matters relevant to women in the Western

Accessing and Using International and Regional Mechanisms

To use the international and regional institutions effectively, it is essential for civil society groups to understand how they work and what can be done to strengthen their capacities to promote and protect women's human rights. Questions to ask before embarking on any communication with these bodies include:

- What is the mandate of the committee and procedure for reporting?
- Is it available to individuals and/or states?
- What do activists need to do to use the procedure?
- How does it work?
- What are the remedies available?
- What are the advantages and disadvantages of using the mechanism?

At all levels—local, national, regional, international—advocacy for human rights, including women's rights, involves coalition building, education and publicity. It is useful to identify advocacy groups that engage with the committees on a regular basis to seek advice on how to raise awareness and support for the issues among officials. Publicity of women's human rights situations, specific cases of violations and reform efforts help advocates expand support and inform the public on women's human rights issues.

Hemisphere and reports to the governments and offers recommendations. Cases can be submitted directly to the CIM.

The African Commission on Human and People's Rights: The Commission considers complaints by individuals and groups against states as well as complaints by one state against another. The Commission can only issue recommendations to governments, not binding decisions.

The European Court of Human Rights: The process for submitting a complaint is as follows: an individual can file a case, the Court determines if it is admissible, the Court seeks a settlement; if no settlement is reached, the Court makes a decision on the merits of the case. The Court allows human rights advocates to initiate cases, inform the Court and play a role in settlements.

The European Committee for the Prevention of Torture: Any citizen (not limited to victims) of the Council of Europe can invoke the **Convention on Torture**.

Recent justice mechanisms established in post conflict situations including the **International Criminal Tribunal for the former Yugoslavia (ICTY)** and the **International Criminal Tribunal for Rwanda (ICTR)**—

and the mixed international and national mechanisms created in places such as **East Timor, Sierra Leone, Cambodia** and **Iraq**—have been important in bringing accountability to major perpetrators of war crimes, crimes against humanity and genocide. The **International Criminal Court (ICC)**, which came into effect in 2002 as a permanent international judicial mechanism for addressing these types of crimes committed by individuals, is also a milestone. But these mechanisms cannot and do not provide redress for all victims. Nor do they appear to prevent other atrocities (see chapter on transitional justice).

As a 2004 Human Rights Watch World Report notes, there is still a lack of political will and systematic follow up to hold violators accountable. Consequently, there remains “an extraordinary and awful gap between existing international legal standards and practice.”³⁷

6. PROMOTING A CULTURE OF HUMAN RIGHTS: WHAT OPPORTUNITIES EXIST IN POST CONFLICT SOCIETIES?

In societies where the abuse of human rights—be it political persecution or general oppression of the public

or particular sectors—has been normal practice, change takes time. In many instances, there is no understanding or acceptance that certain practices are abusive. This is particularly true when it relates to violations against women—whether domestic violence or public harassment. Creating change and building the foundations of understanding and respect for human rights is a long and multifaceted process. It requires political leadership, strong legislation and effective enforcement mechanisms, together with extensive education and public awareness-raising in community and religious institutions, schools, the workplace, as well as through the media.

While the challenges are great, in the aftermath of war and conflict, societies and political leaders often have the opportunity not only to reflect on the devastation caused by war and human rights violations, but may be committed to pursuing policies and values that would prevent the resurgence of atrocities. Civil society groups too are often mobilised and committed to righting past wrongs. International attention and financial and technical support are also available to initiate changes ranging from the adoption of new policies, legislation and programmes that promote human rights ideals to the establishment of mechanisms to monitor adherence.

At the national level, state institutions with the mandates, capabilities and willingness to ensure respect for human rights can be created. Legislative and judicial systems can be designed and given the task of protecting human rights and women's rights.

A fundamental requirement for the protection of human rights is **judicial independence**. The judiciary must be mandated and equipped to provide legal redress for victims of women's human rights abuses.³⁸ Judicial mechanisms can be used to enforce women's human rights. For example, international human rights standards can be brought into the courts through individual cases—litigation is a valuable tool to force changes to the legal system. In addition, civil society can advocate for the establishment of human rights commissions or offices to monitor implementation of human rights and women's rights.

Training programmes can be developed to ensure that staff understand and accept human rights and women's rights principles. In addition, other

mechanisms can be established to monitor human rights and provide redress for victims of violations. In some countries, **human rights commissions** are addressing the issues.³⁹ They can be given a broad mandate to review law and practice, educate people about the importance of human rights, advise governments, litigate human rights issues by supporting individual applicants, take cases to court and intervene in cases.⁴⁰ In **South Africa**, a Human Rights Commission was established in accordance with the 1996 constitution. Its objectives include awareness-raising and providing human rights education, making recommendations to the state regarding the implementation of human rights laws, undertaking studies regarding human rights issues and violations for parliament and investigating complaints and seeking redress in cases where human rights have been violated.⁴¹

Such mechanisms must come together with not only extensive public understanding of basic human rights, but also changes in social and cultural attitudes. One of the greatest challenges is to nurture and establish a culture of governmental and state accountability regarding respect for human rights

NGOs and other civil society organisations, such as trade unions or professional associations, play a key role in advocating for, and monitoring adherence to, international human rights standards and women's rights. For example, Amnesty International has run human rights awareness training programmes in **Somaliland** and elsewhere for civil society and government representatives. The aim was to build knowledge of general human rights issues—from political and civil rights to cultural and development-related rights—in different fields and activities.⁴²

The Institute of War and Peace Reporting (IWPR) focuses on intensive trainings for journalists in conflict-affected societies to raise standards of journalism as well as awareness of human rights. In the South and North **Caucuses**, IWPR has worked with journalists, not only building their capacities, but also improving communication across a region that is rife with misunderstanding and distrust.⁴³ In Central Asia, Freedom House—an international NGO promoting political and economic freedom—is supporting and strengthening the work of human rights defenders in **Uzbekistan, Tajikistan, Kyrgyzstan**

and **Kazakhstan**. In Algeria, the organisation is supporting human rights groups working on issues relating to people still missing and “disappeared” in the aftermath of Algeria’s bloody civil war.

Human rights education is another means of gradually building understanding and support for human rights. The Human Rights Education Association (HREA) operates internationally, training activists, assisting in the development of curricula and teaching materials, supporting institutional development and strengthening networks of human rights activists.

For example in **Croatia**, HREA helped develop human rights teaching materials aimed at elementary and secondary schools. Human rights education can also be integrated into cultural events, theatre and media. For example, in 2004 in the **UK** and **US**, the “documentary theatre” piece “Guantanamo, Honour Bound to Defend Freedom” was performed, drawing on spoken evidence from the US base where hundreds of detainees in the “war on terror” are kept.⁴⁴ It is a powerful means of bringing wider public attention to the experiences of individuals caught in the system. Across **Africa**, particularly in war-torn countries, local and traditional theatre is used to convey messages of human rights. In **South Africa**, for example, a travelling theatre company performs short plays in secondary schools depicting social pressures that force teenagers into having unsafe sex. Through interaction with students the performance conveys messages of HIV prevention, as well as self-dignity and notions of reproductive rights (see chapter on HIV/AIDS).⁴⁵

FOCUSING ON WOMEN’S HUMAN RIGHTS

Human rights advocates use constitutional guarantees and international laws, norms and mechanisms to hold governments accountable for respecting human rights, to broaden the conception of human rights and to improve monitoring and enforcement of human rights standards.⁴⁶ Women’s human rights advocacy uses similar strategies to improve respect for women’s human rights. Advocacy may focus on laws and policies that affect women, on national, regional and international institutions that are involved in enforcing human rights and on prevalent attitudes in society.⁴⁷ Women’s rights advocacy involves a number of steps:

- identifying the issues through research, fact finding and consultation;
- addressing the rights and needs through practical programmes and projects;
- gaining acceptance of the right in the law through political action, awareness-raising and education; and
- enforcing rights through monitoring and litigation.⁴⁸

The global Women’s Initiative for Gender Justice (formerly the Gender Justice Caucus) operates through a network of groups and individuals committed to strengthening women’s human rights and building capacities among women and institutions to use international mechanisms ranging from the ICC to CEDAW and others. Founded in 1997, the group has also been effective at raising awareness and support for women’s human rights among mainstream human rights organisations, government and UN personnel.⁴⁹

Other international women’s NGOs such as *Madre*, which are active in conflict-affected areas, address human rights issues through support of grassroots organisations and the implementation of practical programmes. *Madre* addresses “sustainable development; community improvement and women’s health; violence and war; discrimination and racism; self-determination and collective rights; women’s leadership development; and human rights education.”⁵⁰ Similarly the UK-based NGO *Womankind Worldwide* educates women on human rights issues through practical programmes within their “four literacies” model:⁵¹

- body literacy—building women’s knowledge of their physical and mental health needs, addressing taboos and making decisions based on facts not fears;
- civil literacy—deepening understanding and knowledge of political and civil rights and promoting participation in decision-making;
- word literacy—supporting women’s education, encouraging reading, writing and creativity; and
- money literacy—building numeric skills and understanding of basic economics and encouraging entrepreneurship.

Women's Learning Partnership for Rights, Development and Peace (WLP) also works globally and in partnership with local organisations. Its primary focus is to build women's leadership capacities and to bridge the digital divide by providing women with alternative means of communication and interaction. Across Asia, Africa and the Middle East, WLP has worked with national partners to promote understanding of women's human rights and develop strategies to overcome discrimination and address gender-based violence.

At the national level, too, women's rights advocates focus on legislative, policy and programmatic issues. In **South Africa**, for example, during the transition from apartheid to democracy, over 90 organisations from across the political spectrum came together to form the Women's National Coalition. Over two years, they consulted some three million women and emerged with a twelve-point Women's Charter. By virtue of being extensive, the process proved that women's rights advocates had a strong national constituency whose demands had to be addressed. The Charter was drawn on during the drafting of the constitution.

In **Afghanistan**, in spite of the security risks, the Afghan Women's Network mobilised support across ethnic lines and among rural and urban communities in 2003 to draft a 16-point Women's Bill of Rights. The bill addresses a wide range of issues affecting women from their lack of political participation to their demands for equal rights in inheritance and the right to seek divorce.⁵² While attaining all of these rights may be a long-term goal and ideal, articulating and presenting them as the result of an extensive consultation helps to raise awareness and discussion about the issues and to have at least some key points incorporated into legislation. This in turn provides a legal framework upon which future advocacy efforts can be built.

Often in grassroots communities, women are unaware of their human rights and do not understand how human rights are directly relevant to their lives. NGOs can combine practical assistance with human rights training and awareness. For example in **Colombia**, the NGO Limpal assists internally displaced women by running income-generating projects, providing education on women's constitutional rights and advocating on behalf of the internally displaced. In **Rwanda**, women's groups such as Benimpuhwe have built homes for female-headed households, launched

projects to provide communities with accessible potable water and initiated training programmes in agriculture for women. Through these practical efforts the organisation has reached grassroots groups and raised awareness about a range of human rights issues, including health, nutrition and reproductive rights.

Effective advocacy for women's human rights at the local level also requires an understanding of local laws and practices as they affect women, so that context-specific approaches can be developed.⁵³ For example, NGOs in **Egypt** found that it was more effective to educate local communities about the harmful effects of FGM than to teach the International Bill on Human Rights in the abstract.⁵⁴ Elsewhere, NGOs have targeted community members (usually respected elder women) who perform FGM, informed them of the long-term damage that is caused, and enlisted them in advocacy efforts.

The struggle to attain equal rights at the risk of cultural and political backlash is a common challenge for women's rights advocates worldwide. Groups have taken different approaches. For example, across the Arab world, with support from the United Nations Development Fund for Women (UNIFEM), women's groups have engaged religious leaders in the debate on CEDAW and its compatibility with Islamic Sharia law. The goal of such efforts is to gain acceptance of the principles enshrined in CEDAW within the local cultural and political arena. In this way resistance to its ratification is limited, and at the point of implementation, advocates can draw on a wider base for support. Ultimately, the struggle for women's human rights cannot be undertaken either in a vacuum, removed from society at large or merely at the margins. Raising awareness among and mobilising women is one important step. Building support among men and leaders is another.

7. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

1. Design and initiate training and education programmes in human rights and gender equality for all branches of government and ministries, departments and offices, including members of the military establishment, the security forces, the police and the judiciary.

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- Expand education and training on women's human rights into other sectors where women experience discrimination.
 - Teach women's human rights to civil society organisations and to community and religious leaders.
2. Build support among local leaders, parliamentarians and government officials to integrate human rights protections for women into all policies and legislation.
 3. Advocate for the ratification of regional and international human rights instruments, including CEDAW.
 4. Press for investigations and prosecutions in cases of human rights abuses.
 - Engage in dialogue with government representatives about specific human rights issues and cases.
 - Form alliances with human rights organisations and other civil society groups at the international, regional and national levels to pool resources and reach a wider audience with your message.
 5. Propose new laws or amendments to existing laws to eliminate discrimination against women.
 - Support judicial independence and legal authority to consider human rights violations against women.
 - Use the domestic court system, regional and international commissions and courts and other available mechanisms to adjudicate individual cases of human rights violations against women.
 6. Analyse government actions regarding women's human rights and highlight areas where improvement is needed.
 - Track human rights practices over time.
 - Gather evidence of gross violations of human rights.
 7. Provide information to human rights commissions or offices in your country and to regional and international bodies about government progress in supporting women's human rights.
 8. Utilise various forms of media—print, radio and television—to inform the public in your country about women's human rights issues and cases.
 9. Initiate letter-writing campaigns and circulate petitions.

WHERE CAN YOU FIND MORE INFORMATION?

Amnesty International, Women's Human Rights, <www.amnestyusa.org/women>.
 Freedom House, <<http://www.freedomhouse.org>>.
 Human Rights Education Association (HREA), <<http://www.hrea.org/programmes.html>>.
 Human Rights Watch, Women's Human Rights, <<http://hrw.org/women.html>>.
 Institute of War and Peace Reporting, <http://www.iwpr.net/training_index1.html>.
 People's Movement for Human Rights Education (PDHRE), The Human Right of Education, <www.pdhre.org/rights/education.html>.
 UN Commission on Human Rights, <<http://www.unhchr.ch/html/menu2/2/chr.htm>>.
 UN Human Rights Committee, <<http://www.unhchr.ch/html/menu2/6/hrc.htm>>.
 UN Commission on the Status of Women, <<http://www.un.org/womenwatch/daw/csw/>>.
 UN Committee Against Torture, <<http://www.unhchr.ch/html/menu2/6/cat/>>.
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ACRONYMS

AI	Amnesty International
BPFA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CIM	Inter-American Commission of Women of the Organization of American States
DRC	Democratic Republic of the Congo
ECOSOC	United Nations Economic and Social Council
FGM	Female Genital Mutilation
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HREA	Human Rights Education Association
HRW	Human Rights Watch
ICC	International Criminal Court
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
ICTR	International Criminal Tribunal for Rwanda
IWPR	Institute of War and Peace Reporting
IHL	International Humanitarian Law
ILO	International Labour Organization
NGO	Non-Governmental Organisation
OAS	Organization of American States
PBI	Peace Brigades International
POW	Prisoners of War
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNIFEM	United Nations Development Fund for Women
US	United States
WLP	Women's Learning Partnership for Rights, Development and Peace

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INCLUSIVE SECURITY,
SUSTAINABLE PEACE:
*A Toolkit for
Advocacy and Action*

2

Conflict Prevention, Resolution and Reconstruction

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Conflict Prevention

SANAM NARAGHI ANDERLINI AND VICTORIA STANSKI

Conflict exists in all countries and in every level of society. **Conflict** per se is by no means a negative force, rather it is a natural expression of social difference and of humanity's perpetual struggle for justice and self-determination. If managed non-violently, it can be positive, a source of immense creativity and progress.

The challenge, however, is to avoid the violent expression of conflict without suppressing the root causes completely. On a small scale, how do members of a community, faced with competing interests or concerns, address them without resorting to violence or a breakdown of trust? On a larger scale, in the case of nations and states, how can ethnic, economic, territorial or political rivalry between sectors of society or groups be managed so that no side resorts to violence and all agree to channel and resolve their differences more constructively?

No matter how poor or oppressed a society is, or how provocative and manipulative political leaders may be, communal violence does not erupt suddenly. Inevitably, it is the manifestation of accumulated aggression and hostility. In order to *prevent* violence, it is necessary to address the hostile mistrust and belligerence before it reaches a point where each side believes that violence is their only recourse. The goal of **prevention** is to create a situation in which differences and conflicts can be addressed in a non-violent and constructive manner. This chapter provides an overview of developments in conflict prevention with a gender perspective.

1. WHAT IS CONFLICT PREVENTION?

Preventing conflict between states has been a central aim of the **United Nations (UN)** since the end of World War II. The UN Charter, however, does not extend deeply into situations of civil war. With the end of the Cold War, and in the light of the war in the **Balkans**, the genocide in **Rwanda** and other intrastate conflicts, the international community has become increasingly involved in addressing internal conflicts.

While no one suggests that preventing war or promoting peace is easy, there is nonetheless a growing consensus that violent conflict is not and should not be considered inevitable. The challenge, however, is not a lack of information or knowledge about a brewing conflict. It is the lack of political will on the part of national leaders and the international community to proactively seek to diffuse and resolve a situation before it escalates into

violence. A major study by the **Carnegie Commission on the Prevention of Deadly Conflict** published in 1999 focused heavily on international actions and identified **conflict prevention** as including actions or policies to:

- prevent the emergence of violent conflict and identify non-violent means of resolving the tensions;
- stop ongoing conflicts from spreading; and
- deter the re-emergence of violence.¹

The report categorises international approaches to prevention as:

- **operational prevention (or direct prevention)**—measures to address immediate crises (e.g. sending high-level diplomatic missions to mediate between parties, using economic tools such as sanctions, inducements, or collecting weapons and

demobilising fighting units), and employing forceful measures such as deploying peacekeepers to a region; and

- **structural prevention (or root causes prevention)**—addressing root causes such as poverty, political repression and uneven distribution of resources, which can, if left unattended, escalate into violence. Long-term prevention includes efforts to reduce poverty and achieve broad-based economic growth. Preventive strategies should also promote human rights, protect minority rights and institute political arrangements in which all groups are represented (e.g. promoting democratic government so that opposing parties can state their views, resolving differences through dialogue and cooperation or ensuring that legislation does not discriminate against one sector of society).

Although the goals are the same, operational versus structural prevention are radically different, with one focusing on short-term and targeted approaches, while the other requires a longer-term and more comprehensive approach. Women and civil society in general have been more active in structural prevention, typically through promoting development, the rule of law, human rights and poverty alleviation. However, at the local level such groups can and are increasingly becoming more involved in taking non-violent action in response to crises, and are themselves engaging in mediation efforts (see below and chapter on peace negotiations).

FROM THEORY TO ACTION: INITIAL STEPS

In practice, the international community has focused its work on conflict prevention at two points in a typical conflict's life cycle:

1. where violence has already erupted, but there is a possibility of preventing its escalation. For example, in 2004 following strong condemnation from the media, NGOs and human rights groups, the US and UN have taken steps warning the **Sudanese** government to stop genocide in the **Darfur** region; and
2. where conflict has recently ended, but peace is still fragile and thus the re-emergence of violence is a distinct possibility. In such cases the international community often sends peacekeepers to bring some security and enable

the political structures to gain strength, such as deployments of UN peacekeeping forces to **Haiti** and **Liberia** in 2004.

There have been fewer “observable” instances of conflict prevention before the outbreak of conflict, as it is difficult to trace why war or violence *did not* occur. Moreover, often the measures taken are diplomatic and confidential in nature. A noted example of preventive action was taken in 1992 when the **Organization for Security and Cooperation in Europe (OSCE)** sent a “spillover mission” to **Macedonia** with the goal of preventing the spreading of conflict from **Serbia**. In the same year the UN undertook its first preventive deployment mission with a dual military and civilian mandate. UN peacekeepers patrolled the **Macedonia–Serbia** borders and the civilian unit monitoring early signs of conflict, used its “good offices” in the form of preventive diplomacy to address tensions rising among ethnic groups within the country. A number of civil society efforts were also initiated including inter-community dialogues, promoting tolerance through radio and television programmes and democratising the media.²

In addition, to improve humanitarian and development efforts so that they are more sensitive to conflict issues, progress is being made through:

- efforts to understand the root causes and ongoing dynamics of conflict; and
- improving international interventions in order to alleviate existing tensions and establish mechanisms for addressing conflict non-violently.³

In general, however, preventing armed hostility and promoting the non-violent resolution of internal conflicts remains a key challenge for the international community. In part this is because states affected by conflict are often reluctant to accept international intervention. Despite violence in **Nepal** since the 1990s, the government has been unwilling to invite international peacekeepers. Similarly in the **Middle East**, although Palestinians have asked for international forces and observers, the Israeli government has rejected the notion. Intervention is regarded as a violation of state sovereignty. In addition, many policy-makers and scholars are hesitant to adopt conflict prevention strategies for fear of creating a self-fulfilling prophecy. Predicting

an escalation to violence is complex and can lead to false alarms. By directing attention to a potential conflict, there is apprehension that deliberate awareness could influence and increase escalation. Moreover, at the international level policy-makers are often focused on dealing with existing crisis situations, and do not have the capacity to focus on longer-term interventions for the sake of prevention.

Despite these issues, internationally there is growing support for better conflict prevention, because it is not only humane but also cost-effective. In 2001 UN Secretary General Kofi Annan presented his report on the Prevention of Armed Conflict to the General Assembly.⁴ Among the key points emphasised in the report is the need for national governments to take responsibility for addressing conflicts before they become violent. But he acknowledged that “if the government concerned refuses to admit that it has a problem that could lead to violent conflict and rejects offers for assistance, there is very little outside actors, including the United Nations, can do.”⁵

To address this dilemma, the report calls for the full participation of civil society in conflict prevention

efforts. It recommends that NGOs organise an international conference including local, national and international organisations to determine their role in conflict prevention and develop regional action plans for interaction with the UN. This acknowledgment of the role of civil society is further endorsed in **Security Council Resolution 1366** (2001), which states: “...the United Nations and the international community can play an important role in support of national efforts for conflict prevention and can assist in building national capacity in this field and recognises the important supporting role of civil society.”⁶

In 2004, a global civil society consultative process was well under way, with international organisations and networks such as the **Global Partnership for the Prevention of Armed Conflict (GPPAC)** and the **European Platform for Conflict Prevention and Transformation** taking leading roles. This is an important process as it creates a space for national NGOs to have access to international actors, particularly in countries where governments are often reluctant to have NGOs involved in sensitive issues relating to politics, peace and security.

A Word of Warning...

Without effective and proactive responses, the early warning of violence is useless. But developing responses is challenging.

Early warning and context analyses require objectivity. Yet, there is always a risk that those conducting the analysis may give biased interpretations favouring particular agendas and interests. One way to promote objective evaluation is to bring together people with different political perspectives, economic backgrounds and social classes to do the analysis jointly. This in itself can be a means of addressing conflicts, as opposing parties hear each other's perspectives on the same situation.

Even if the information is objectively analysed and disseminated, without an appropriate strategy or policy for response by influential actors—particularly the international community—the conflict will not be averted.

In situations where violence has not erupted and there has been no recent history of war, it is often difficult for people living in the midst of rising tensions to accept that their community, society or nation could erupt into indiscriminate warfare. Denial is an easy way to avoid the ominous risk of war. It is always easier to retreat and say, “We are different and it cannot happen to us,” but the facts often tell a different tale. Violence becomes a first, rather than a last resort in many cases. Denial and disbelief that war could break out was the experience of many in Bosnia prior to the escalation of violence.⁷

2. WHAT DOES CONFLICT PREVENTION CONSIST OF?

Preventive action is not a single event, rather it is an ongoing process that changes according to given circumstances. It should strengthen existing processes for peace, respond to crises, help generate an environment and create mechanisms through which conflicts can be resolved non-violently. Effective conflict prevention measures require coordination and collaboration between various entities, including international, regional, sub-regional, national and local actors. Lessons drawn from conflict prevention efforts indicate that building the capacities of a society to manage and address conflict peacefully requires:

- a high degree of inclusiveness and participation of all sectors of society in dialogue, as well as peacebuilding;
- a high degree of local ownership of conflict prevention strategies and initiatives; and
- the strengthening of democratic institutions and empowerment of local actors through continuous consultation, assistance and training.⁸

To attain these goals, first and foremost it is important to have a thorough understanding of the factors, actors and conditions exacerbating conflict. NGOs, academics, policy-makers and practitioners have developed a series of approaches to improve understanding of conflict, including analyses, development of indicators and possible scenarios to help identify the actions that need to be taken. Gaining familiarity with them can help local actors—including women’s groups—to implement their work more effectively. Moreover, by using the tools developed internationally, local actors are often best placed to improve them and develop responses suited to their region and cultural context. At the same time, familiarity with the tools is a means of having a common “language” with international actors and other civil society organisations, with whom local actors might wish to develop alliances. There are numerous frameworks and methods for developing conflict prevention strategies,⁹ which generally share four key steps:

1. *Analysing the context and situation that includes identifying*
 - issues (indicators) that underpin and drive a conflict, and
 - issues or conditions that lessen conflict and that can be the basis for peace;
2. *Identifying or “mapping” the key actors and stakeholders*, including those who fuel conflict and those who mitigate it and promote peace;
3. *Developing scenarios* of possible situations from the worst to the best cases; and
4. *Planning effective responses* by identifying actions and steps that can be taken to alleviate tensions and promote the non-violent resolution of conflict.

RECOGNISING EARLY SIGNS OF CONFLICT AND UNDERSTANDING THE SITUATION

A key element in understanding the context and situation in an escalating conflict is the ability to read warning signs of trouble and indicators of increasing tension or violence, which is the basis for “conflict early warning” analysis.¹⁰

Indicators can point to:

- people’s security (physical, economic, political);
- political issues;
- economic issues;
- social and cultural issues;
- military issues, particularly mobilisation;
- sub-regional/geopolitical issues; and
- judicial and legal issues.

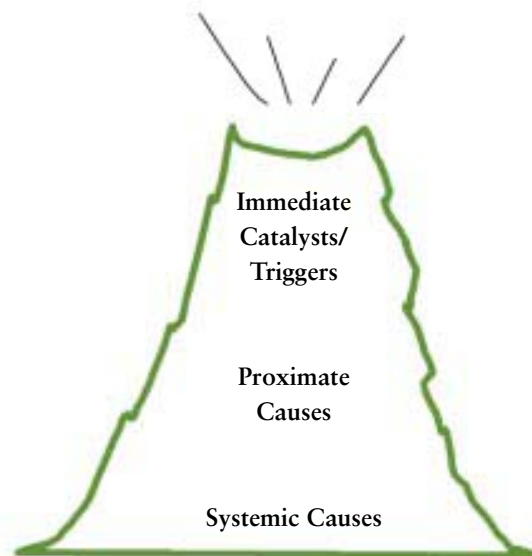
These indicators can be divided into four inter-related categories.

- **Systematic indicators:** highlight underlying, structural, deep-rooted conditions in a society. In Latin America throughout the 1970s there was overwhelming disparity between the minority rich, who often owned the vast majority of the land, and the poor. This economic disparity was

a key source of discontent and conflict. Other examples of systemic indicators are long-term political oppression or military rule or the social and economic oppression of one ethnic group by another.

- **Proximate indicators:** highlight medium-term events and situations and show a trend. In **Rwanda** for two years prior to the genocide in 1994, extremist Hutu groups were using radio to spread propaganda and hate messages against Tutsis and moderate Hutus. Other examples of proximate indicators are the formation of militias, increasing popular discontent, ongoing high inflation, increasing violence against specific ethnic or religious minorities and extremely high unemployment.
- **Immediate catalysts or triggers:** events or incidents that are difficult to predict but in combination with systemic and proximate causes, can trigger violence (see diagram). In **Rwanda**, the shooting down of the president's airplane was among the triggers for the genocide in 1994. Other examples include fraud during elections, a sharp rise in the price of basic goods, political arrests, and attacks against peaceful civilian demonstrations.
- **Peace indicators:** factors that promote peace and non-violence. In **South Africa**, prior to the end of apartheid, every police attack against demonstrations or guerrilla attacks on civilian targets heightened tensions. To ease the situation, leaders of the liberation movement, particularly Archbishop Tutu, immediately called for calm.

Analysing these indicators together can help provide understanding of the state of events and emerging trends in a society. It is also critical in determining whether corrective actions should be immediate and “operational” for **direct prevention** (e.g. deployment of peacekeepers), or if there is also a need for **structural prevention** to address the root causes of conflict in the longer term. Often there is a need for both.



3. WHY IS IT NECESSARY TO INCLUDE GENDER IN EARLY WARNING AND SITUATION ANALYSES?

In the 1990s, between 80 to 90 percent of those killed, wounded, abused or displaced in conflict were civilians.¹¹ This trend continues in the 21st century. The deliberate victimisation of women (through rape, mutilation or forced pregnancies) has increased international awareness of the differential impact of war on men and women. Some measures are being put in place to address the specific needs of women. At the same time, the contribution of women and women's organisations to conflict resolution, management and peacebuilding is also gaining wider recognition. Yet, often women's organisations lack the confidence to engage in conflict prevention efforts in a strategic manner.

In early warning efforts or situation analyses for conflict prevention, gender issues are still not widely addressed. Yet **gender indicators**—those signs that reflect the changing circumstances of men and women in society—are often the earliest signs of impending conflict. In a study by **International Alert** and the **Swiss Peace Foundation**, three hypotheses were presented in favour of using gender indicators in conflict analysis.¹²

First, gender indicators are often most evident at the grassroots level and can point to systemic problems or highlight early signs of instability. By drawing on them to determine the ongoing

“The aim [of conflict prevention] must be to create a synergy with those civil society groups that are bridge-builders, truth-finders, watchdogs, human rights defenders, and agents of social protection and economic revitalisation.”

—UN Secretary-General Kofi Annan, quoted in *The Washington Times*, 23 June 2004.

situation, it is possible to recognise societal tensions and aim to alleviate them before they escalate. In the oil-rich Niger Delta region of **Nigeria**, women led a non-violent sit-in against Chevron/Texaco in 2002.¹³ Their actions were a sharp contrast to previous armed protests led by men against oil companies. The women were demanding community support, compensation for environmental damage and increased oil revenue for their region. While their actions were an indication of deeper resentment in the community, they also opened dialogue with the oil company, which resulted in Chevron/Texaco agreeing to a series of community-based programmes including creating jobs, starting a micro-credit programme for women and funding local schools, clinics, water and electricity systems. These initiatives alleviated tensions and the potential for violence by transforming the interaction between the company and the community. “We now have a different philosophy,” said one company executive to the BBC, “and that is do more with communities.”¹⁴

Second, when gender perspectives are excluded from situation analyses, there is a greater risk of overlooking the often deteriorating situation of specific sectors of society—e.g. women or young unemployed men—and ignoring related factors that fuel conflict. Yet if the gender dimensions of conflict are recognised early, the responses developed are more likely to address them. Where women are particularly discriminated against or targeted, inclusion of gender perspectives can help ensure that discriminatory policies are not perpetuated in post conflict situations and that “newly established freedoms” are not reversed. It is also a means of ensuring that responses at a political and humanitarian level address the vulnerabilities specific to women and men. In

Afghanistan, under the Taliban (1995–2001) women were severely repressed, unable even to leave their homes without being escorted by a man. Yet women represented an estimated 65 percent of the population in that country, and as a result of war, many were either widows or running households single-handedly as men were away or injured in war. In the aftermath of the US attack on the Taliban and the fall of the regime, the presence of a handful of Afghan-American women as part of the UN and international community efforts ensured that the voices of Afghan women were heard. They also advocated that women be included as beneficiaries of major reconstruction efforts (e.g. being paid for cooking food and sewing clothes for construction workers).¹⁵

Third, early warning and preventive activities can be made more effective by utilising the untapped potential of women, women’s networks and women’s organisations as actors for peace.¹⁶ Women’s organisations that undertake information gathering and analysis often provide their own insight, knowledge and solutions, which can complement and support the efforts of others—particularly international actors.

Another way to consider this is:

- What is happening to women compared to men? Are they under new pressures to conform to traditions? Are they being attacked? What can be done to stop the attacks?
- What knowledge do women have regarding impending violence compared to men? In the late 1990s in **Sierra Leone**, village women knew about impending attacks by rebels against UN peacekeepers. Despite the risks it involved, they were willing to pass the information on to the UN system, yet did not know whom to contact.¹⁷
- What actions are men and women taking to prevent or incite violence? In **Rwanda**, in the late 1990s, women convinced their husbands to stop armed actions and return home from hiding.¹⁸

ACTOR MAPPING

To fully understand the dynamics of a potential conflict, it is also essential to identify the groups or individuals that are exacerbating the situation, and

Gender-Based Indicators¹⁹

Gender-based indicators remain largely absent in conflict early warning efforts, including responses that are developed. As noted below, gender-sensitive indicators can be found at all levels.

Systemic: Indicators include long-term political exclusion of women, economic discrimination (e.g. laws prohibiting women from inheriting property), discrepancies between men and women's educational levels or place in the work force.

- Example of gender indicator: In 1977, 50 percent of women compared to 80 percent of men were literate in country X.
- Example of gender indicator showing a trend: By 1987, 40 percent of women compared to 80 percent of men were literate in country X.

The second example indicates that the situation of women in country X deteriorated over the decade. This could imply increasing economic hardship or the spread of religious extremism, with a focus on women (e.g. the Taliban's treatment of women in **Afghanistan**).

Proximate: Indicators include gradual trends from an open/tolerant society to a more closed society, particularly imposing or implementing restrictive laws relating to women. Other examples include an increase in propaganda that emphasises hyper-masculinity and violence; increase in the number of public fights between groups of men; more incidences of men ganging up on men of other groups or men not fulfilling the "masculine" ideal of a combatant; verbal harassment, physical beating, persecution of men who refuse to take up arms, rape and honour killings of women; and a lack of institutional prosecution of perpetrators.

- Increase in violence against women in private and public: Rising aggression in society, including domestic violence against women, girls and boys. The increased level of domestic violence (and general tension) was observed in **Ethiopia** prior to the outbreak of war with **Eritrea** in 1962.
- Gender-based changes in economic pattern: Sale of jewellery or other precious materials by women indicating increasing economic hardship; increased financial assistance from family abroad being sent home, hoarding of goods or sex-specific unemployment—particularly where there is a high percentage of unemployed young men.
- Sex-specific refugee migration: Population movements within a state or to surrounding nations. Approximately 6–8 weeks prior to the outbreak of widespread violence in **Bosnia and Herzegovina** in 1992, large numbers of women, particularly of Muslim origin, left Priador. Muslims described this as protecting their families from danger; Serbs described it as clearing the decks to prepare for all-out conflict.

Triggers and Catalysts:

- Killings and disappearances: Men, particularly those who are physically able or represent a political threat, are often targeted prior to outbreak of conflict. In **Cambodia** and **Kosovo**, many males were either killed or "disappeared" prior to the eruption of widespread violence.
- Gender-specific killing ("Gendercide"): Young, educated and often pregnant women are targeted for execution in an attempt to extinguish a culture. Non-pregnant women might be forcibly impregnated, as a way to dilute a culture or introduce the genes of another culture, as in the cases of **Bosnia, Herzegovina** and **Rwanda**.

those that are aiming to mitigate conflict and promote non-violence and peace. The following questions can help identify and map actors in terms of their position, interests, strengths, affiliations and weaknesses:

- Who/what is the actor or stakeholder, including their source of support/legitimacy?
- At what level are they most active and effective (international, national, regional or local)?
- Are they representative of different sectors of the community (including marginalised groups)?
- What are their demands, their needs, their fears?
- What power/resources/capacities do they have?
- Who are they affiliated with or who influences them?
- Do they have a vision of peace? What does their vision include (e.g. autonomy, co-existence, land reform)?

CREATING SCENARIOS

Situation analysis with actor mapping helps identify possible scenarios and answer the question “What will happen next (in a given time frame)?”

Prior to the invasion of **Iraq** by the **US** in 2003, for example, many analysts were developing best-case and worst-case scenarios about the outcome of the war. They ranged from those who believed the US would win easily and be accepted openly and peacefully by Iraqi society, to those that predicted urban guerrilla warfare and resistance to the US.

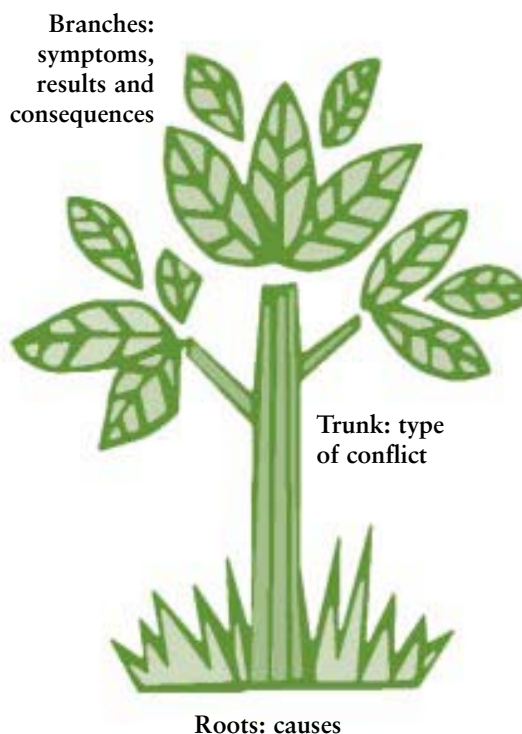
Scenario development is useful for planning and preparing actions in advance, and helping ground these activities in reality. In **Iraq**, the **US** was criticised for being unprepared in the face of resistance from Iraqis and not planning the reconstruction effort systematically; in the early days this resulted in mass looting of government buildings, banks, and even hospitals, and ultimately contributed to anti-US sentiment.

While these national or international approaches may seem daunting, there are actions that can be taken at the local level to promote better understanding and initiate dialogue between

conflicting parties. The **conflict tree** is a tool that was used in northeast **Kenya** by local communities. Each side of the dispute draws a tree, where the roots represent the root causes, the trunk represents the existing problem and type of conflict that has arisen (violent, internal, inter-community, etc), and the branches depict the symptoms or consequences of the conflict. The trees can then be exchanged so that each side can see and get a better understanding of the fears, concerns and general perceptions of their counterpart. A similar exercise undertaken in **Sudan** prompted a dialogue between local disputants and resulted in a written agreement.²⁰

The **peace flower** can be used in parallel, to identify potential sources for peaceful interaction. The roots

Conflict Tree



signify structures or systems in society that uphold peace or can contain conflict, (e.g. rules that govern interactions between groups or laws that enable freedom of expression). The stem symbolises processes that encourage and support peaceful engagement such as inter-village meetings or

gatherings of tribal elders. The petals symbolise mechanisms for dealing with conflict, including truth commissions and civil society activism such as mass vigils or peaceful protests against war.

EFFECTIVE RESPONSE

Within the UN system, the World Bank, European Commission, and many bilateral aid agencies, there is an increase in monitoring situations in unstable countries or those at risk of violence breaking out. The **World Bank** and the **UN Development Programme (UNDP)** for example, initiated a joint “watching brief” project to monitor social and economic conditions in specific countries.

The **UN Office for the Coordination of Humanitarian Affairs (OCHA)** has a dedicated “early warning unit” that combines field missions and analytical work to track trends that might lead to humanitarian crises or failures. It also disseminates regular updates and one-page reports highlighting particular situations to other entities within the UN system. The **Department of Political Affairs (DPA)** prepares analytical studies of trends relating to peace and security and offers strategies for response. Its activities include conducting fact-finding missions, reporting to the Security Council, and providing political guidance for diplomatic interventions by senior UN personnel or the Secretary General.

In addition to the system-wide changes and efforts by the UN, other international entities—governments, multilateral organisations and NGOs—are also involved in conflict prevention efforts, as noted below.

- After war broke out in Yugoslavia in 1991, there were fears that the conflict could have a domino effect and spread to the southern **Balkans**, particularly **Macedonia** and **Albania**. In response to these warning signs, the UN deployed its first ever prevention peacekeeping operation **United Nations Prevention Deployment Force (UNPREDEP)** to **Macedonia** in January 1993. A UN Special Representative held regular meetings with political parties, convened national youth meetings, and undertook projects to encourage bridge-building, the formation of NGOs, and awareness of international human rights instruments. International NGOs initiated educational projects,

problem-solving workshops, conflict resolution trainings and media projects to help prevent an escalation of ethnic tensions.²¹

- The **World Bank** and **IMF** do not have mandates to intervene in the political relations of countries. But by basing their financial assistance on certain conditions, such as the rule of law, transparency and good governance, they are implicitly promoting long-term structural conflict prevention.²² In addition, the Bank’s **Post Conflict Prevention and Reconstruction Unit** assesses the causes, consequences and characteristics of conflict and provides financing for physical and social reconstruction initiatives in post war societies to help prevent the resurgence of violence. The Bank has played a significant role in Afghanistan, Africa’s Great Lakes region, the Balkans, Iraq, Liberia, Nepal, Sierra Leone, East Timor, the West Bank and Gaza and other war-torn areas (see chapter on post conflict reconstruction).
- Bilaterally, **Sweden**, **Norway** and **Canada** have led many of the international debates and initiatives relating to the promotion of conflict prevention, and the need to promote human security as a key to preventing war. **Norway** in particular has also played a key role in facilitating peace processes (see chapter on negotiations).

Actions by regional multilateral organisations include:

- In 1994, the **Association of Southeastern Asian Nations (ASEAN)** established a **Regional Security Forum** to foster constructive dialogue and consultation on political and security issues of common interest and concern, as well as promote confidence-building and preventive diplomacy in the **Asia-Pacific region**. Recognising that the territorial and jurisdictional disputes in the South China Sea directly affected peace and stability in the region, ASEAN issued the Manila Declaration of 1992, which promoted a policy of cooperation and collaboration to mitigate the conflict. The regional organisation also played a significant role that led to the settlement of the **Cambodian** conflict through the Paris Agreement, sponsored track two diplomacy efforts on the **Spratly Island** dispute in

1991, participated in mediations in 1999 regarding self-determination for **East Timor** and continues to host dialogues regarding nuclear proliferation in Northeast Asia and South Asia.²³

- Since the 1990s, the **Organization for Security and Cooperation in Europe (OSCE)** has expanded its operational capacity for the prevention, management and resolution of conflicts. In 1992, the post of **High Commissioner on National Minorities** was established to identify and seek early resolution of ethnic tensions that might endanger peace, stability or friendly relations among states of the OSCE. The High Commissioner's mandate describes the role as "an instrument of conflict prevention at the earliest possible stage." The OSCE has been particularly active in the **former Soviet Union**—building confidence and trust between **Russians** and local populations in **Latvia, Estonia**, and other new states.

National leaders include governments or individual leaders. The ability and willingness of national leaders to analyse a situation, weigh options for action and balance personal ambitions and fears with national interest is critical. Examples of such actions include:

- In the 1990s, the growing mobilisation and protests of black **South Africans** caused leaders within the South African government to terminate apartheid policies that promoted preferential treatment of whites. Facing the threat of a descent into mass violence, white South African leaders opted for compromise and power-sharing. This choice was also possible because the majority in the liberation movement was against all-out war, and the leaders in the dominant African National Congress (ANC) valued plurality and equality for all within a system of majority rule democracy.
- During the late 1980s and early 1990s, a peace process in **Northern Ireland** began to take shape. Several developments prompted a dialogue between the Unionists and Nationalists, but the initiative of Social Democratic and Labour Party leader John Hume and Sinn Féin president Gerry Adams eventually led to closer cooperation between a coalition of pro-nationalist partners to pursue a united **Ireland** agenda. While the Hume-Adams talks were unpopular with the public, they moved the conflict towards negotiation of ceasefires in 1994–1995 and eventually the **Good Friday Accords** in April 1998.²⁴

Civil society organisations, including NGOs, religious entities, scientific community, educational institutions, media, grassroots movements and the business sector can play an important role, as noted below.

- Several international NGOs and networks are dedicated to raising awareness and advocating for early response through monitoring conflict situations and publishing reports. One of the most prominent is the **International Crisis Group (ICG)**, an independent NGO with offices worldwide that monitors and analyses conflicts and unstable situations globally. ICG publishes analytical reports with recommendations for action tailored to specific international and national actors. The organisation uses the reports to inform and press for actions that in its view would prevent the escalation of conflict.

- The **Global Partnership for the Prevention of Armed Conflict (GPPAC)** was formed in response to the UN Secretary General's report (see above). The network brings together a variety of actors involved in conflict prevention efforts from the international to the community level. With fifteen regional centres, GPPAC aims to influence regional, national and international policy and thinking on conflict prevention; clarify relations between civil society and the UN and its agencies; build better relations with governments; consolidate the network; and set regional agendas for the network for the coming decade.

- A number of international NGOs work to develop in-country programmes dedicated to conflict prevention. **Search for Common Ground (Search)**, an independent NGO, has developed numerous **media-based** programmes in conflict-affected states, promoting tolerance and peace. In **Burundi**, it started "Heroes"—a radio show that profiles ordinary people who have helped others across ethnic divisions. In **Macedonia**, Search had a television show in which children of all

- ethnicities faced prejudice and worked together to overcome it. Search also used public opinion polling to inform Israelis and Palestinians about each other's views and support for non-violence and negotiations.
- NGOs also develop media monitoring projects to identify increasing tensions and respond in a timely and appropriate manner. They can hold media organisations accountable in their reporting—to ensure that the media does not incite violence, does not exaggerate conflict and covers peace initiatives as well. Technological developments and a reduction in the cost of media productions have also created opportunities for women and community-based organisations to create their own news and information channels. In the **Pacific region**, **FemTalk1325** is a radio, press and Internet-based NGO that covers issues relating to women, peace and security, and promotes women's participation in these issues throughout the Pacific. The **Feminist International Radio Endeavour (FIRE)** is a Central American-based project that disseminates news about women's issues in the region and provides training to grassroots organisations on Web site design, and newspaper and radio production. These informal news channels strengthen civil society networks and are an effective means of disseminating conflict early warning signs. The **Institute for War and Peace Reporting** runs training programmes for local journalists in conflict areas with the aim of promoting balanced and accurate reporting and understanding of human rights principles. The programmes also facilitate dialogue and exchange among journalists.
 - Grassroots and community-based efforts to limit the spread of violence also exist. For example, in 1995, inter-ethnic violence in **Burundi** increased significantly and youth became polarised. To alleviate and prevent division, several small women's groups visited schools, informing students about the political manipulation behind violence and encouraging the youth not to get involved with the heightened violent activities. Women's groups worked to establish joint Hutu-Tutsi neighbourhood security programmes to warn citizens against extremist actions.²⁵
 - There are also national efforts to encourage a return to democracy and prevent violent conflict. 1993, civil society groups in **Fiji** created the **Citizens' Constitutional Forum (CCF)** as a peaceful way to address the acute ethnic conflict following the military coup in 1987. Through consultations, the Forum gathered input from citizens, rather than from political parties and elites, to frame a new constitution. The prolonged dialogue ended with a new constitution in 1996 that created a power-sharing dynamic in the national government.²⁶ In 2000 another coup took place in **Fiji**. Despite death threats, women's groups led daily candlelight vigils protesting the coup. As the interim government was sworn in, women's groups launched a "good governance working group" publicly counting down the days as a reminder that the country needed to return to democracy. Since then women's groups have monitored socioeconomic and political developments, highlighting the severe impact of economic downturn on women in the country. National women's groups in partnership with the **Ministry of Women's Affairs** formed the **Women, Peace, and Security Committee of Fiji** in 2003 and have initiated a number of activities and programmes to promote peace and dialogue. The programmes range from community radio shows and public vigils to lobbying successfully for more transparency in national security and defence policy-making, and training local communities in detecting early signs of violence and conflict.²⁷
 - Finally, while the prevention of violent conflict continues to pose a challenge, "**winning the peace**," and ensuring that violence does not surge again in the immediate aftermath of war, has drawn the attention of many practitioners and policy-makers internationally. A major international project housed at the **Center for Strategic and International Studies (CSIS)** in Washington, DC, developed a framework for post conflict programming based on immediate, medium and long-term actions needed in four key areas: security, governance and political participation, justice and reconciliation, and social and economic well-being (see related chapters in this Toolkit).

Chilean Women: Non-violent Action and Return to Democracy²⁸

In 1988 for the first time in fifteen years, the military government of General Augusto Pinochet lifted the state-of-emergency ban on political activity in **Chile**, and allowed for a previously promised plebiscite to determine the future of his administration. A loss for Pinochet meant holding presidential and congressional elections within a year and returning the country to democracy. Despite the obvious gamble, Pinochet was pushed by mass protests and increased political activism by all sectors of society as well as growing international pressure. Yet, as many Chileans note, he would not have held the referendum if he had not felt sure of success. He lost, however, and Chile returned to a path of political freedom and democracy.

To outsiders the change in Chile may have appeared to come overnight, but for Chileans it was a result of fifteen years of organisation, protest and political action, that was deliberately kept non-violent, even when the government used force. Women, along with church groups and others, were at the frontlines of the anti-government protests. The **Organisation of Democratic Women**, one of the first such groups, was formed outside of the national stadium, in which men were being tortured. Women relatives of the victims gathered to share information and provide support. The organisation remained active for fourteen years, advocating on behalf of political prisoners. As the years went by and women formed support groups, their political activism also increased. Some focused on knitting “arpilleras” or tapestries and art depicting their struggle, for sale abroad, as a means of raising international awareness. Others held protests: housewives in grocery stores banging their pots, hospital nurses marching in silence, and people going on hunger strikes. In soup kitchens across shantytowns outside Santiago, they mobilised and, when the time came, voted against Pinochet in the plebiscite.

4. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

1. Use existing networks of women’s groups to raise awareness about conflict prevention issues; consult with them regularly to learn about conflict trends at the community level, their impact on women and potential roles in mitigating violence.
 - Identify a range of indicators including gender-based indicators that highlight trends in society.
 - Develop a common strategy to address root causes of conflict.
2. Identify and invite NGOs to a workshop on conflict analysis and mapping of actors.
 - Organise dialogues within communities, or among different sectors of the population (e.g. youth) on issues of concern and possible solutions.
 - Identify traditional conflict resolution mechanisms and explore ways of using them to de-escalate tensions.
 - Commission surveys in conflict-affected communities to identify demands for non-violence.
3. Seek to work with other groups with a potential for involvement in conflict prevention, including religious institutions and the business community and mobilise their resources and expertise to promote non-violence.
 - Identify and consult with key international actors, to gain awareness of their concerns and strategies for conflict prevention.
 - Advocate for wider interaction and support of women’s groups and use of gender-based indicators.
 - Using international networks and interaction with the UN and national diplomats, call for a UN fact-finding mission—and lobby for the presence of gender experts.
4. Identify and consult with key international actors, to gain awareness of their concerns and strategies for conflict prevention.
 - Advocate for wider interaction and support of women’s groups and use of gender-based indicators.
 - Using international networks and interaction with the UN and national diplomats, call for a UN fact-finding mission—and lobby for the presence of gender experts.

- Publicise Security Council Resolutions 1325 and 1366, which advocate for the inclusion of civil society in conflict prevention efforts.
5. Reach out to educators to promote conflict resolution training and peace education in schools and colleges.
 6. Develop ties with local media and international services (e.g. the BBC's World Service) to publicise stories of non-violent conflict resolution in society.
 7. Work with local journalists to promote objectivity and moderation in reporting.
 8. Reach out to key stakeholders most susceptible to resorting to violence and encourage civic engagement and non-violence.
 9. Identify key actors that can be a moderating force, including trade union leaders, media personalities and journalists, and religious leaders and mobilise their support against violence.
 10. Reach out to the government and military to withhold the use of force and encourage non-violence.

WHERE CAN YOU FIND MORE INFORMATION?

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ACRONYMS

ASEAN	Association of Southeastern Asian Nations
BBC	British Broadcasting Corporation
CCF	Citizens’ Constitutional Forum
CSIS	Center for Strategic and International Studies
DPA	United Nations Department of Political Affairs
FIRE	Feminist International Radio Endeavour
GPPAC	Global Partnership for the Prevention of Armed Conflict
ICG	International Crisis Group
NGO	Non-Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs of the United Nations
OSCE	Organization for Security and Cooperation in Europe
UN	United Nations
UNDP	United Nations Development Programme
UNPREDEP	United Nations Prevention Deployment Force
US	United States

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Peace Negotiations and Agreements

SANAM NARAGHI ANDERLINI

Negotiations to end wars are never simple. They involve compromises, consensus-building and some level of mutual trust. Often parties negotiate because they recognise the gains that can be made, but even “interest-based” negotiations require enemies to trust each other. For people affected by violence, or those who have fought for a cause, accepting an opponent’s demands is difficult. But for peace to take root, negotiations are an essential starting point. As agreements are reached on key issues, the foundations of peace are strengthened. In many instances the decisions reached at the peace table set the course for the socioeconomic and political transformation of a country. Negotiated agreements are in effect a blueprint for the future.

If gender perspectives are absent at this stage, it becomes more difficult to insert them later. It is never too early to engage in peace processes—but sometimes it can be too late. This chapter explains the different types of negotiations that occur primarily at the national level, highlighting the challenges facing women, the strategies they have developed to gain their place at the peace table and the contributions they make.

1. WHAT ARE PEACE NEGOTIATIONS AND AGREEMENTS?

An **agreement or accord** is a formal commitment between hostile parties to end a war. Peace agreements can vary considerably. The 1991 Paris Peace Accords that led to the end of the conflict in **Cambodia** were essentially an agreement to end international involvement in the war, and a **ceasefire** to transform a military conflict into a political one, with the United Nations (UN) present and in control.¹ In contrast, in 1996 in **Guatemala**, detailed and extensive agreements provided a framework for political, economic, legislative and social reform and for the transformation of military structures and institutions. Peace agreements often seek to resolve protracted conflicts and provide a new vision for inter-group and interstate relations at the regional, national or local level. In **Somalia**, negotiations were needed with international actors, as well as within the clan system and local communities. In the **Middle East**, one approach developed by the United States (US) was to facilitate peace agreements between Israel and its neighbouring countries, independent of the Palestinians.

Sometimes peace accords can capture the broad spirit or framework of peace and guide the next steps without addressing issues in detail. The 1993 Oslo Accords—officially known as the **Declaration of Principles**—that initiated the Israeli-Palestinian 1994–2000 peace process offered no concrete details and were not legally binding. But they were the cornerstones of a longer-term negotiation effort or **peace process**. Peace accords often open the way to international assistance in the form of **peacekeeping** and peace support operations (see below and chapter on peace support operations).

Regardless of the political decisions made, negotiators have to prepare for “spoilers” (groups that have an interest in sabotaging the process) and public rejection of settlements. When the public has experienced significant trauma, it may not be ready to make compromises or accept a negotiated solution. It is the task of the leadership to generate support for peace. Where agreements are made in closed or even secret talks, gaining this support can be even more problematic, especially if those most affected by the conflict do not see signs of improvement. For example, during the Oslo process, Palestinians felt that they were

not gaining enough as the Israelis continued to build settlements in Palestinian territories. Israelis, on the other hand, felt that they were not gaining much, as they did not feel sufficiently secure. It is important to manage expectations and ensure that the public on either side of the conflict is aware of the approach being taken, the pace and the expected results.

Sometimes extremist groups will exploit public opinion as a way of breaking their promises. They will imply that the public does not favour negotiated solutions and use this as an excuse to generate more violence and attempt to derail talks. To avoid this in **Northern Ireland**, negotiators agreed to hold a referendum in the midst of the peace process, soon after all political parties signed the 1998 Good Friday Agreement. In the **referendum**, they asked the public to vote either “yes” in favour of the agreement and continuation, or “no” to stop the process. Seventy-one percent of votes in Northern Ireland and 94 percent in the Republic of Ireland were “yes.” This gave the negotiators a mandate to continue the talks, and ensured that extremists could not use the public as an excuse to sabotage the process.

KEY STAGES IN NEGOTIATIONS AND PEACE PROCESSES

Few peace processes progress in an orderly manner. Typically there are fits and starts, times of advancement, followed by stagnation or even breakdown. In general, however, there are three key phases: pre-negotiations, negotiations and post-negotiations implementation.

Pre-Negotiations: Talks Before Talks

In many cases, before formal negotiations take place in public, a series of private or secret talks may occur. One aim of the pre-negotiations “talks before talks” phase is to “break the ice,” allow parties to explore options for making peace, convey their concerns and understand

each other. An important goal of this phase is to ensure that parties are mutually committed to the peace process. Issues to be addressed include:

- logistics;
- location of talks;
- security for each party;
- participants;
- time frame;
- mediators and their roles and responsibilities;
- setting realistic goals;
- alleviating fears and building trust perhaps through conciliatory gestures or creating a space for dialogue where a level of frankness and truth about the actions of all sides can be articulated; and
- agreement on agenda topics, which can be framed as a “limited versus comprehensive approach”² and the order in which topics are discussed. Common issues include a ceasefire agreement, power-sharing and governance issues, human rights, demobilisation, justice and socioeconomic reforms (see related chapters on these issues). A limited agenda may focus on security and power-sharing issues leaving other matters for post-settlement discussions. A more comprehensive agenda may address social and economic reform within the framework of the peace talks.

The challenge is to ensure that the “pre-negotiations” period leads to formal negotiations. In many cases parties use pre-negotiations to stall peace talks or to reinforce armed efforts. The conditions set for talks should not hamper or limit opportunities for getting to actual negotiations, but should ease the way. In other words, talks before talks *should not just be talks about talks*.

Colombia: Creating Space for Dialogue and Talks Before Talks³

In 1999, under pressure from civil society groups and a public campaign that resulted in 10 million signatures in favour of peace talks, then-President Andrés Pastrana and the guerrilla movement FARC (Colombian Revolutionary Armed Forces) initiated a series of “dialogues.” The process continued until 2002, with the involvement of non-governmental organisations (NGOs), thematic public dialogues that focused attention on the concerns of different sectors of society, and international support. However, the process failed to lead to formal negotiations, in part because neither side ceased the use of violence during the dialogues. Despite this, the dialogues set a clear precedent for future talks to be more inclusive of civil society and attuned to public demands.

Negotiations for Peace: The Talks

Official or “Track One”: These are bilateral or multilateral negotiations between adversaries involving the leadership or their official representatives, from both or all sides, typically mediated by a third-party. The 1995 Dayton Peace Talks that ended the **Bosnian** war were mediated by officials from the “contact group” of nations including the US, Russia, Britain, France and Germany.

Track One and a Half: This involves unofficial interaction between adversaries in the hope of creating an environment where official processes can take place. In 1994, when US relations with **North Korea** were at a crisis point over nuclear proliferation issues, former US President Carter went to North Korea and negotiated an agreement that enabled the two sides to return to discussions. He did not represent the US government at the time, but because of his eminent status he had access to the highest levels on both sides and was able to resolve issues without risking dishonour or embarrassment for either side.

In **Guatemala**, the National Reconciliation Commission, with the support of the government, negotiated the Oslo Accord with the insurgency group, the Guatemalan National Revolutionary Unity. This accord opened a process of informal meetings between the insurgency and civil society organisations that contributed to the beginning of formal negotiations with the government.

Back-channel talks and **shuttle diplomacy** are variations on track one and a half. Negotiators undertake one-on-one discussions, conveying messages through intermediaries (third-party facilitators or mediators) until obstacles are redressed and space is created for the resumption of face-to-face talks. In the **Philippines**, official peace negotiations between the government and insurgency movements (the National Democratic Front and the Moro International Liberation Front) in the 1990s were characterised by “back-channelling,” particularly when the formal negotiations stalled.

Unofficial or “Track Two”: Track Two efforts do not replace official track one efforts, but ideally precede and complement them. They are often led by non-state actors and involve a wider range of parties with

an interest in promoting negotiations. The Oslo peace process, involving Israelis and Palestinians through the 1990s, was initiated through Track Two efforts by Norwegian academics with contacts in both communities.

Multi-Track: This refers to the involvement of a variety of actors engaging in peacemaking activities at different levels of society—ranging from the Track One actors to local, national or international groups from civil society and other sectors. There are two guiding principles: 1. the greater the range of actors involved, the wider the sense of ownership and effort in resolving a conflict, and the greater the chance of attaining sustainable results; and 2. cooperation and coordination between a range of actors can draw on the strengths of each and help overcome their limitations. For example, religious leaders can influence their own constituencies, but may not hold sway with the business community, and vice versa. By having both sectors involved, there is a greater chance that a wider cross-section of people feel that they have a stake in the process. In **Guatemala** and **Northern Ireland**, civil society forums were established to promote wider societal involvement in the peace process. The terms “**third side**” or “**track three**” are sometimes used to describe the effort of engaging and uniting individuals at the community level to generate “people’s power,” public opinion and coalitions in support of peace.⁴ Similarly some theorists state that multi-track efforts should aim to create “networks of effective action”⁵ (see examples below).

From Words to Action: The Rocky Road to Implementation

Peace talks are often a climax—coming after months of preparation, secret negotiations and a degree of confidence-building. Not surprisingly a great deal of attention is paid to creating conditions conducive to success. But in many cases pitfalls arise once the agreements have been signed. At this point expectations are high, but the peace itself is fragile. It is also a time when **extremists** or **spoilers** can take advantage of the situation by taking violent action to force a breakdown of the process. In the **Middle East**, the assassination of Prime Minister Yitzak Rabin by Israeli right-wing extremists altered the course of the process. Many observers believe that at that moment the spirit of the Oslo process was lost.

Parties to the conflict often play a “wait and see” game to assess whether their adversaries will take the first step toward implementing agreements. One major key step is to undertake **confidence-building measures** that offer tangible proof of the commitment to peace. Such measures can be taken prior to the start of talks—as in a ceasefire agreement or creating areas for safe passage. They can also be taken during talks. In **Guatemala**, a human rights accord was among the first documents to be signed in 1994. According to opposition groups, the government began implementing aspects of the Accord soon after its signing, fostering a more positive environment for the peace talks. Confidence-building measures can also be undertaken immediately after the signing of key agreements to demonstrate will and commitment to peace. Unfortunately, often agreements on paper are slow to affect people’s lives. In **Northern Ireland**, although progress was made on a range of social and economic issues, on security issues including “decommissioning” of the British army and its bases, and the Irish Republican Army, there was little progress. This resulted in a faltering of the peace process, and combined with other factors, led to a resurgence of nationalism in 2003.

In most cases the failure of negotiations results not only in a resurgence of violence, but also in higher levels of violence. In effect if the trust that has been created is then broken, there is often a severe backlash and more intense violence. *Thus the costs of initiating peace negotiations without adequate preparation and commitment to concrete implementation are extremely high.*

2. WHO IS INVOLVED IN NEGOTIATION PROCESSES?

In general there are two categories of people involved: those who are actual stakeholders or parties to the conflict, and those who mediate and facilitate the process.

MEDIATORS AND FACILITATORS

In many cases, the UN and/or regional inter-governmental organisations act as key **mediators** in peace negotiations. In **El Salvador** the UN convened the parties, encouraged progress and helped resolve

obstacles. In **Sierra Leone** in 1996, the Commonwealth Secretariat was involved alongside the UN and the Economic Community of West African States (ECOWAS). In most cases where the UN is involved, the Secretary General’s **Special Representative** (SRSG) takes on the task of mediation and diplomacy. The SRSG can play a pivotal role in mediating, engaging in “shuttle diplomacy” between actors and conveying messages on behalf of the UN.

Third-party governments, such as Norway and the European Union (EU), often sponsor negotiations, fund the process and provide venues for meetings. At times, they also play a prominent role as mediators. When the 2002 peace talks started in **Sri Lanka** between the government and the Liberation Tigers of Tamil Eelam (LTTE), the Norwegian government sponsored and facilitated the process.

In **Burundi**, a facilitation team made up of 18 African and European governments moderated the negotiations, alongside representatives from multilateral and regional international bodies.

Third-party civil society organisations have also facilitated a number of peace talks by helping to create an environment where talks can be held, providing a venue and bringing parties and mediators together. The opportunity arises because NGOs may have access to both sides of a conflict. In 1990, after years of ongoing contact through the church and humanitarian support, representatives of the lay Catholic community of Sant Egidio mediated talks between the government of **Mozambique** and the Resistência Nacional Moçambicana (RENAMO).⁶ The talks lasted two years and the accords were signed at Sant Egidio’s headquarters in Rome, Italy.

In many instances, individuals who are known and trusted by both sides can be effective mediators. Sometimes they are people who are active and known locally. They are **insider neutrals**. These are people who, by virtue of living in the conflict area, have a profound interest in making peace, but are known to not take sides. For example, in Sri Lanka, Visaka Dharmadasa, founder of the Parents of Servicemen Missing in Action and the Association of War-Affected Women, has designed and facilitated track two dialogues, bringing together

West African Women as Ambassadors of Peace—The Mano River Story

Women were struggling for peace across the Mano River countries of **Sierra Leone, Liberia, and Guinea** throughout the 1990s. But their successes were short-lived as conflict in one country inevitably affected the others. In 1999, believing that the solution could be found through regional peace efforts, women from the three countries joined together to form the Mano River Women's Peace Network (MARWOPNET). Lobbying regional security organisations, training women in communities, issuing public declarations, organising protests and directly meeting with leaders across the region became the network's trademark. In recognition of their important role in bringing the parties to the table, MARWOPNET was a signatory to the August 2003 peace agreement in Liberia. The UN recognised their efforts in December 2003, awarding them the annual United Nations Prize for Human Rights.

influential civil society leaders from both sides of the conflict. In 2002, as peace talks were faltering, the LTTE refused direct contact with the government, accusing them of non-compliance. Its leaders conveyed their concerns through Ms. Dharmadasa to the government, foreign embassy staff members, and Norwegian negotiators. Through 2004 she continued to be an impartial bridge between the parties.

Individuals can also be **outsider-neutrals**—those who have no direct stake in the conflict or peace but whose neutrality is trusted. At the height of negotiations between the apartheid government and leaders of the black community, a crisis arose between the African National Congress (ANC) and the Inkatha Freedom Party (IFP) regarding participation in elections. Seasoned international mediators including Henry Kissinger and Lord Carrington were unable to resolve the issue and left **South Africa**. But Washington Okumu, a Kenyan university professor, stayed behind to broker the talks and ultimately achieved an inclusive agreement. As an outsider—but an African—Okumu had a deep understanding of the cultural issues, and was trusted and respected by all sides.⁷

PARTICIPANTS AT THE TABLE

Peace talks are often differentiated as **exclusive** or **inclusive**. Exclusive talks involve armed and unarmed major parties to a conflict—typically political and military actors—while inclusive talks tend to include a broader range of actors.

Exclusive: In **Colombia** in 1999, the government agreed to talks with FARC, but not with other left-wing guerrilla groups or right-wing paramilitaries. In

2004, talks were being held with the paramilitary United Self-Defense Forces of Colombia (AUC), but no other sector of the population.

Inclusive or Multi-Party: In contrast, there are many cases where the international community (the UN or other mediators) invites multiple political parties to the table. The All-Party **Burundi** Peace Talks in Arusha (1998–2000) included 19 political parties. As mediator in **Northern Ireland** (1996–1998), US Senator George Mitchell proposed that the top ten political parties bring two representatives to the negotiations. Elections were held to identify the ten parties.

The participation of armed factions is controversial in peace negotiations. Many political parties have strong affiliations or direct control over armed factions and thus represent them. However, participation by smaller armed groups is often problematic; they may be reluctant to give up the use of arms at the outset of talks, yet have the capacity to spoil the process. Among practitioners there is ongoing debate about the appropriateness of including militants and extremists in negotiations. The decision is typically dependent on the context and is never easy, but is nonetheless a key issue.

In **Sudan**, a series of parallel and consecutive negotiations have taken place whereby the government has engaged with different opposition and rebel groups separately. Women and civil society have been largely excluded from these processes.

Multi-Level and Multi-Track: These processes, as discussed above, happen rarely. In **South Africa**, the

anti-apartheid struggle mobilised people at all levels of society, including religious and tribal leaders, trade unions and community activists.

In **Guatemala**, the peace process started in 1987 with preliminary talks and ended in 1996 with a comprehensive peace agreement. It was exceptional in that it included a Civil Society Assembly of representatives from trade unions, human rights organisations, the women's movement, indigenous groups, the religious community and other non-state entities. They were able to make vital contributions to the process through recommendations to the negotiating parties. Although the Assembly did not have decision-making power, its presence and involvement ensured that agreements reached at the political level were endorsed by civil society. It was also effective in creating a public sense of ownership for the peace process and shared responsibility for its success.

Multi-track efforts also help provide a safety net. When negotiations at the higher levels stall, involvement by other parties and sectors ensures that the channels of communication are not entirely shut down.

MONITORS OF THE AGREEMENT

In worst-case scenarios, the lack of implementation leads to the re-emergence of armed conflict and even worse cycles of violence. But even in successful cases such as **Guatemala** and **South Africa**, implementation of the full peace agreement has been slow and at times non-existent. A key lesson that emerges is that parties to the conflict, and the public at large, must be made aware of the significant challenges that implementation brings, and consider establishing indicators to monitor progress.

As a first step, the **international community** may assist in monitoring **ceasefires**. Although the term peacekeeping is not mentioned in the UN Charter, extended peacekeeping and peace support operations have become a standard feature of UN work in conflict-affected countries, falling between **Chapter 6** and **Chapter 7** of the UN Charter.

- Chapter 6 outlines the UN's role in the "pacific" settlement of disputes. Peace missions here include fact-finding and observer missions.

- International peace enforcement missions are often deployed under Chapter 7 (articles 43–45) of the Charter that mandates use of UN force and can call upon member states to provide armed forces to maintain and restore peace.

Peacekeeping missions typically monitor compliance, create a buffer zone between warring parties (see chapter on peace support operations) and, depending on the scope of their mandate, assist in the implementation of peace agreements. In **Ethiopia** and **Eritrea**, the **African Union** (AU) proposed the establishment of a peacekeeping mission with a mandate to "monitor the cessation of hostilities...and ensure the observance of the security commitments agreed by the two Parties."⁸ In other cases, monitoring mechanisms for the implementation of peace agreements may be noted within the peace accord. The August 2003 peace agreement in **Liberia** established an Implementation Monitoring Committee that included ECOWAS, the UN, the AU, the EU and the International Contact Group on Liberia (involving the US, France, Nigeria and Senegal among others). They meet regularly with the new government to assess and provide recommendations for the implementation of the accord.

Regional and local actors can also be involved in monitoring. Following the signing of the 1998 Lincoln Agreement to end the **Bougainville** conflict, the Peace Monitoring Group was established, comprising the military and civilians from countries in the Pacific region (Australia, Fiji, New Zealand, Papua New Guinea and Vanuatu). Its mandate included monitoring the ceasefire, serving as a link to the general population and assisting the implementation of the peace agreement. In the **Philippines**, Local Monitoring Teams (LMT) were established in August 2001 to monitor the security situation throughout Mindanao; they included representatives of local government, members of the Moro Islamic Liberation Front, NGOs and the religious sector. Where the LMTs were not active, grassroots groups formed "Bantay Ceasefire" (ceasefire watch) to monitor both sides. Bantay volunteers, including members of local community groups and NGOs, documented and reported violations and sought to complement the official LMTs.⁹

3. WHY DO NEGOTIATION PROCESSES EXCLUDE WOMEN?

Women remain largely excluded from negotiations despite their attempts in many conflict areas to participate and despite international policies, which explicitly call for women's involvement in decision-making at national and international levels. This marginalisation is problematic and can generate vicious exclusionary cycles.

On one hand, to ensure their concerns are addressed, it is necessary to have “strong” women's representation at the table. The strength can come from the number of women at the table representing all sides so that their viewpoints are heard. Strength can also come by ensuring that the women present are not merely observers but have decision-making power. It is acknowledging that women have contributions to make on a range of issues, from security to power-sharing, most of which affect all members of society.

On the other hand, to ensure strong representation, other stakeholders need to acknowledge that women's contributions are an essential component of the process. In most cases, however, neither the local parties to a conflict (i.e. the government or non-state parties to the conflict) nor international mediators acknowledge this. In fact, in cases like **Liberia**, even when women have played a role, their recommendations have been excluded from the final agreements.

In effect, when women are excluded, the differential impact of the decisions on men and women is not fully understood, and in most cases women's rights are not overtly addressed. Moreover, women's exclusion from negotiations often results in their exclusion from post conflict reconstruction planning and implementation. Particularly in post war situations where women make up the majority of a country's population, the marginalisation of women means squandering critical human resources.

REASONS AND EXCUSES

While theorists and even practitioners lament the exclusion of women and civil society from peace processes, in most cases the reality is that seats at the peace table are given to those who have the political power to implement agreements, or those who have the power to threaten a veto and spoil the process. Even

when there is recognition of the rights of women and the need for a more inclusive process, it is often cast aside in the process of bargaining. Thus the influence that women and civil society may have in sustaining the process is not considered a priority. A variety of excuses are given for the exclusion of women:

- Gender inequality and women's exclusion is embedded in local culture, and the peace table is not the place to address these “cultural norms;” promoting the participation of women can alienate some leaders and put the peace process at risk. A related argument is that international conventions and laws interfere with local culture; yet the same reasoning is not used for other issues.
- “Women leaders aren't representative of the broad population. They are elites. Their views and interests are no different to the men.”¹⁰ Interestingly, the same argument, while often true for men, is never used as a rationale for their exclusion. Moreover, in many cases (e.g. Sierra Leone, Burundi, South Africa) women at the national level had strong ties with grassroots movements.
- Women are not involved in the fighting, and so should not be involved in peacemaking.
- In the case of liberation struggles often the excuse used is that “liberation comes first,” then “gender equality,” yet time and again, women have found that if the two issues are not addressed in parallel, gender equality falls by the wayside soon after liberation.
- There is a prevailing belief that peace accords are gender-neutral. There is an implicit notion that references to human rights and justice encompass everyone, including women.
- In male-dominated societies where women have not been involved in political affairs, often those who do enter the space are viewed with skepticism and distrust by other women and men.
- Finally, it is often argued that women are not inherently more peaceful or “pro-peace” than men. This is true in many instances—indeed women have been strong supporters of many wars, have played a multitude of roles in conflict situations, and are not necessarily gender-sensitive. But it is

still the case that without women, gendered perspectives are more likely to be excluded or ignored in peace agreements.

In addition to these externally imposed obstacles, women and civil society groups themselves also sometimes show reluctance to engage directly, or succumb to pressures and withdraw. Common factors that affect them include:

- being too absorbed in local issues, losing sight of national and international processes, or excluding themselves from politics that they deem to be unethical;
- feeling insecure about the skills and knowledge required to participate (although this concern does not seem to afflict male warriors). In other words, women who are representative of the wider community often lack the confidence to engage at the national and international levels (with training this can be resolved);
- feeling pressure from male counterparts who fear the notion of sharing power with women after the negotiations and thus press them to withdraw;
- not having adequate representation. In many instances when male leaders are pressed into nominating women for negotiations, they choose the weakest. In this way they control the women representatives and can argue that the women made no difference to the process. This is particularly damaging for women leaders in civil society who find that women negotiators are unaware or unwilling to ensure that gendered perspectives or women's rights are included in discussions regarding social, economic or political reform;
- not having the necessary support from civil society organisations that are not focused on peace issues. Often, civil society organisations are overburdened groups and are unable or unwilling to accept the direct linkages between peacemaking and their area of primary concern (be it the environment, health or other issues), thus their support for peace movements wanes if results are not tangible in the short term. This lack of staying power is detrimental to those who are dedicated peace activists; and

- receiving little or no support from the international community, particularly from mediators or high level personnel who are unfamiliar with gender issues and unwilling to engage with women.

OVERCOMING THESE OBSTACLES

In conflict areas worldwide, women have developed and adopted strategies to overcome these obstacles.

In **South Africa**, women across the political spectrum worked together to establish a women's constituency that resonated with the political parties. Through national and local organisations, they consulted with some three million women over two years to develop a common agenda for women.¹¹ The document became an important tool during negotiations and constitution-drafting. Simultaneously, they worked across political parties at the negotiations to demand 50 percent representation. Of seven sub-councils established to decide on key issues, and to monitor and implement the transition process, one was on gender. Its mandate was to monitor the policies emerging from the other councils to ensure that all matters being addressed (e.g. national security issues, elections, etc.) were gender-sensitive. One of the reasons for the success of South African women was that they did not focus their attention just on women's rights issues. They played a key role in the broader struggle for liberation, winning the respect of their male counterparts, and making contributions to all issues addressed in the negotiations.

In **Northern Ireland**, Catholic and Protestant community-based women peace activists lobbied political parties with their agenda. When they were ignored, the women formed their own political party—the Northern Ireland Women's Coalition (NIWC)—and won enough votes to secure a seat at the formal peace table. NIWC representatives played a critical role in mediating between parties from both sides, especially the extremists.¹²

In **Burundi**, with support from international NGOs, women formed networks across political party lines but were barred from the formal negotiations that began in 1998. In response, they adopted different strategies including lobbying national party members in the corridors outside the negotiating rooms and seeking out international mediators and support from

the UN (UNIFEM, the UN's Development Fund for Women, in particular, played a critical role). In 2000, the All-Party Burundi Women's Conference was co-hosted by UNIFEM and the Mwalimu Nyerere Foundation; each party had two female representatives. They developed a set of recommendations that were included in the final peace accords in August 2000.

In **Somalia**, where a clan system exists, women have a particularly important role in conflict resolution, as they maintain close relations within their own clan, as well as the clan into which they marry. Because of their cross-clan allegiances, individual women have been able to facilitate peace processes by carrying messages between fighting parties, ensuring the safety of travellers passing through clan territory, and interceding among combatants. Organisations comprised of women from different clans and united in opposition to war have sought participation in peace and political processes, mobilising and training community mediators, and representing women as the "sixth clan."

In **Colombia**, following the collapse of the government/FARC dialogue in 2002, women's groups across the country mobilised to demand a return to negotiations. They led peace demonstrations involving thousands, formed national and regional coalitions, and developed a 12-point agenda for future talks. They are now at the forefront of the civil society peace effort.

In **Guatemala**, the only female representative at the official negotiations became increasingly aware of the gender dimensions of the process as the talks progressed. Once aware of the discrimination facing women, she drew on the proposals of the women's rights movement to integrate gender perspectives into the final agreements.¹³

In the **Georgia-Abkhazia** conflict in the Caucasus, women's organisations jointly wrote to the UN Secretary General requesting that he send senior women representatives to the UN mission in their country. In 2004, in part as a result of this advocacy, two women hold senior posts in the mission.

In **Sri Lanka**, the Norwegian sponsors proposed a gender subcommittee made up of representatives from the LTTE and the government to provide advice. International efforts on the part of NGOs such as

International Alert (IA) and **Women Waging Peace (Waging)** have been critical in raising awareness and support for women's participation in peace processes. In 1999 IA's Women Building Peace Campaign played a pivotal role in mobilising women worldwide and in creating the **NGO Working Group on Women, Peace and Security** that was central to building UN and governmental support for a Security Council resolution.¹⁴ Waging's advocacy efforts have been critical in influencing the US government's agenda, particularly in supporting women in **Iraq's** reconstruction throughout 2003–04. The global networks that IA and Waging fostered have enabled women peace activists to exchange strategies regionally and to gain access to international policy-makers. The Women Peacemakers' Program (WPP) of the International Fellowship of Reconciliation (IFOR) and Femmes Afrique Solidarité (FAS) are other effective entities providing training and capacity-building to women activists.

4. HOW DO WOMEN CONTRIBUTE TO NEGOTIATION PROCESSES?

Where women have mobilised publicly and been present as informal advisors (including as corridor lobbyists—waiting in corridors and lobbying politicians as they emerge from negotiations) or formal negotiators, their contributions have been important in a number of ways noted below.

WOMEN AS CONVENERS AND CATALYSTS

Women's protests and actions have in many cases served as a catalyst for peace talks. In the 1980s the silent protests of the Mothers of the Disappeared in **Argentina** dealt a heavy blow to the military dictatorship by exposing the scale of its human rights abuses, and generating national and international public support. In the **Middle East**, prior to the Oslo peace process, Israeli and Palestinian women worked together on joint initiatives including protests and advocacy. Through the Jerusalem Link group, the coordinating body of two independent women's centres (the Israeli Bat Shalom and the Palestinian Jerusalem Center for Women) were often the first to publicise viable solutions to core issues. They were among the first groups to promote the idea of Jerusalem as the shared capital of two states. Following the collapse of the Oslo process in 2000,

the Jerusalem Link continued to press for a return to negotiations, calling for the creation of an International Women's Commission for Peace in the Middle East that would advocate not only for the inclusion of more women in negotiations, but also for shadow talks to take place with formal recognition from the official parties.

In 1999, following nearly a decade of war and broken peace accords, the government of **Sierra Leone** and the Revolutionary United Front (RUF) signed the Lomé peace agreement. Just months later, however, the RUF was flouting the ceasefire provisions. In May 2000, a group of elderly women came together, demanding a meeting with RUF leader Foday Sankoh. On arriving at the RUF compound, they were mistreated and insulted. Frustrated, the women tried a different tactic. They collectively hitched up their skirts, bent over and bared themselves to Sankoh and his coterie. In Sierra Leone, such an action by women is the worst curse that can be brought upon anyone. The news had a galvanising effect on Sierra Leoneans. They had an obligation to uphold the women's honour and support the curse. The women's actions also gave people the courage to stand up to the RUF. Coinciding with the arrival of the new UN mission and British Special Forces, the women's protest, together with subsequent public demonstrations, culminated in Sankoh's arrest and a turn towards peace.¹⁵

In 2001, as **Sri Lanka** was entering its twentieth year of civil war, a leading businesswoman and President of the NGO Sri Lanka First, launched a massive public awareness campaign, calling on all Sri Lankans to take action in support of negotiations. The Stand for Peace campaign reached a climax at noon on 19 September 2001 when more than one million Sri Lankans across the country left their homes and offices to stand publicly, holding hands for peace and demonstrating their desire for an end to the conflict. This pressure led political leaders to put aside their own agendas and begin negotiations.¹⁶

In many cases women's power and influence is directly a result of their purported powerlessness in the formal political sphere. In places as diverse as **Colombia**, the **Caucasus**, and Nagaland in northeast **India**, women have greater freedom of movement than men in conflict zones; this enables them to establish contact with both peace activists and governmental or international

actors. They are also often deemed to have no vested interest in the war, and are trusted more. In the Caucasus, where there are a number of "frozen" conflicts (i.e. no war but no political settlement either), women have been critical in forming cross-regional networks, leading to greater communication and understanding across conflict lines. They have also created mobile groups that visit areas, such as **Chechnya**, where conflict is ongoing, to monitor developments including the impact of war.

WOMEN'S PERSPECTIVES ON PEACE AND SECURITY

It is extremely difficult to quantify the difference that women make to peace negotiations, particularly given the limited numbers of women that have participated in such processes. Evidence gathered in testimonies worldwide, however, indicates that when considering peace agendas, women are often credited for bringing an understanding of the root causes of conflict, and for speaking effectively about the impact of violence on daily life, relating the experiences and voices of ordinary people—men and women, young and old. They tend to have a holistic approach to resolving conflict, often motivated by the dream of a peaceful future, particularly for their children. Women also tend to focus on practical issues related to quality of life and human security, rather than control over political power. They also bring greater recognition of the discrimination and abuse faced by women and other marginalised sectors. Finally, women recognise the importance of building positive relations while negotiating for peace and security. Often they focus on reaching out to negotiators through their personal identity or reference to family.

In **El Salvador**, in negotiations over the reintegration of fighters, women leaders and negotiators of the Farabundo Martí National Liberation Front (FMLN) were critical in ensuring that not only fighters, but also men and women who had provided support (*tenedores*), were included in the programs. "A USAID representative involved in the implementation process recalls the "professional" calibre of women negotiators, who came to the talks with a clear "sense of responsibility" and awareness that "others were depending on them."¹⁷ Access to land, supplies for the home, and training programs

were included in the final reintegration packages.

In **Mindanao**, reconstruction and reintegration began after 28 years of protracted struggle for autonomy and a 1996 peace agreement between the government and the Moro National Liberation Front (MNLF). However, while the political landscape changed, it was clear to women in particular, that the MNLF was still defining its ideals through revolution, rather than embracing a culture of peace and tolerance. The wife of a leading MNLF figure initiated contact with a national peace institute. In November 1997, a group of Bangsamoro Women from the Special Zone of Peace and Development areas in Mindanao gathered to reflect on, and promote a culture of peace to counter the culture of violence defined by guns and war.

Elsewhere women's participation has been effective in highlighting and addressing issues of particular concern to women. In **Guatemala**, as a result of the participation and influence of women in the peace process, the accords include the commitment to reduce maternal mortality by 50 percent, create laws and mechanisms to outlaw sexual harassment and create the Office for the Defense of Indigenous Women and the National Women's Forum.

ENHANCING THE PROCESS

In cases where women have been involved in formal peace negotiations, in their efforts to generate support for the process they have been inclusive and consultative.

Inclusive: Women peacemakers tend to be more willing to talk to all sides in a conflict. In part because of their own experience of marginalisation, they understand the need to reach out and hear the voices of all concerned. In **Northern Ireland**, the political message of the NIWC was human rights, inclusion, and equality. At first, they were insulted and accused of being traitors by other parties in the negotiations. But during the 1996–98 talks, they were the only party that was willing to meet with all sides. They became trusted mediators during the negotiations. Their demands included the establishment of a civic forum in which different sectors of society could voice their opinions and their support for

victims of violence, integrated education and mixed housing. In 1998, their public campaigns were critical in mobilising people to vote in favour of the Good Friday Agreement to keep the peace process moving.

Consultative: In many cases, women peacemakers have emerged from community-based movements and civil society. Because of their strong ties to their constituents, they initiate consultative processes to hear opinions and share their own positions. This provides a critical channel through which the public can be informed and support the process. In 1999, as **Burundi's** peace process was under way, Burundian women, with support from UNIFEM and international NGOs such as IA and Search for Common Ground, and working through national networks, were informing women at the grassroots level of the issues being addressed, seeking their opinions and lobbying the international community to gain access to the talks. In **Bougainville**, following the peace talks in 1998 that ended a decade-long independence struggle, women's organisations led awareness-raising meetings in various communities; they were the only leaders who had been at the peace talks who returned to inform the population of the substance and decisions emerging from the negotiations.

Empathic and Trustworthy: New studies emerging on cross-cultural negotiations unrelated to peace and conflict issues indicate that women are perceived to be more trustworthy.¹⁸ Recent qualitative studies on the role of women in post conflict **Rwanda** and **Cambodia** also indicate that in conflict-affected societies women are more trusted than men to be honest and incorruptible.¹⁹ One common reason given is that they are not as implicated in violence as men.²⁰ While this is still highly debatable and difficult to prove, it is nonetheless important to highlight, given that trust is a key element in effective negotiations.

In a 2003 book, *The Essential Difference*, psychologist Simon Baron-Cohen provides empirical data to show that women and girls tend to be better at empathising and communicating than their male counterparts.²¹ In interviews conducted with women and men involved in peace

negotiations, many note that women are better at listening, allaying fears and therefore building trust.²² In **South Africa**, one negotiator noted that women participants used experiences and skills acquired in the domestic sphere, such as caring for family, listening to the elderly and empathising with children in their interactions at the talks. “The fact that the women were nurturing and caring became hugely positive attributes. The process became one of listening to what other people were saying, listening to their fears, even if you disagreed with them. People came out feeling that their concerns were being dealt with. It wasn’t just posturing.”²³

Empathy itself is an important ingredient for acknowledging the humanity of an adversary and in connecting with them on issues of mutual concern. In **Northern Ireland**, women at the negotiations drew attention to the human costs of conflict and to the impact that fear, hatred and violence had on families. In **Bougainville**, when the two sides met, it was women who were able to break down barriers most effectively; so much so that the Bougainville Transitional Government (which had three female delegates out of a total of 27) called for four more women to join their official delegation.²⁴

CONTAINING VIOLENCE AND CREATING SAFE SPACE AT THE LOCAL LEVEL

The grassroots and local conflict resolution efforts of women are among the least documented and most under-appreciated aspects of their peace work. In the **Democratic Republic of the Congo**, throughout the 1996–98 war women were key members of community-based groups that sought to re-establish dialogue between rival tribes in the eastern parts of the country and negotiate with militias to spare villages. Following national peace talks in 2002, the region remained insecure, with a particularly high incidence of rape. Representatives from the two groups formed a protection committee to travel together, negotiating and resolving disputes as they arose.²⁵

Similarly in **Colombia**, studies published in 2004 document the critical role that informal women’s groups played in negotiating humanitarian agreements with guerrillas to enable passage of food and medicine to villages.²⁶ In the Mano River

region of **West Africa**, women’s networks operate under the assumption that conflicts must be resolved locally, to limit escalation to the regional or national levels. In **Cambodia**, where violence has permeated society through decades of war, women represent the majority of actors in non-violent conflict resolution efforts at the community level, often mediating between security personnel and local populations.²⁷

5. WHAT INTERNATIONAL POLICIES EXIST IN SUPPORT OF WOMEN’S PARTICIPATION IN PEACE PROCESSES?

In recent years a number of resolutions and international policy frameworks have emerged that specifically call for the inclusion of women in peace talks (see chapter on international mechanisms). Key international policies include:

- Although the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** does not reference peace talks,
 - Article 7 demands that states allow women “to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government...”²⁸ and
 - Article 8 calls on state parties to “take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organisations.”²⁹
- The **1995 Beijing Platform for Action** states that “the full participation [of women] in decision-making, conflict prevention and resolution and all other peace initiatives [is] essential to the realization of lasting peace.”³⁰ **Recommendation E.1** demands that states “increase the participation of women in conflict resolution at decision-making levels.”³¹

- UN Security Council **Resolution 1325** (2000) mandates that all actors adopt “measures that support local women’s peace initiatives...and that involve women in all of the implementation mechanisms of the peace agreement.”³²
- To underscore their commitment to the international frameworks, many regional multilateral institutions including the European Commission, the Organization of American States and others have also adopted resolutions calling for the inclusion of women in peace processes.

UNIFEM plays a leading role in promoting the implementation of Resolution 1325 by advocating on women’s behalf at international forums and supporting women’s efforts to enter peace processes across the world, from Burundi to Afghanistan. The **Office of the Special Adviser on Gender Issues (OSAGI)** also plays a key role in advancing the implementation of Resolution 1325 within the UN. Since 2004, the UN’s **Department for Political Affairs (DPA)**, which has primary responsibility for UN engagement in peacemaking, has prioritised gender mainstreaming and is attempting to be more inclusive of women in its peacemaking activities.

6. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

1. Mobilise people in your community to raise awareness and visible support for peace negotiations.
2. Build a strong coalition and constituency of supporters, bringing together a range of civil society actors and identifying key actors who can be “connectors” and those that are “dividers.”
3. Advocate for multi-track peace processes that include civil society and women in the peace process, drawing on examples from other countries to demonstrate the effectiveness of this strategy.
4. Open track two or “back-channel” talks, drawing on the network of women activists across conflict lines.
5. Publicise CEDAW and UN Security Council Resolution 1325 as international laws that call for women’s inclusion in peace processes and decision-making and require compliance by the state.
 - Develop a media campaign and generate support among journalists covering the issues.
 - Hold community-level meetings.
6. Develop a common agenda, highlighting issues that are critical to women and that must be included in negotiations.
 - Ensure that you are aware of, and have positions on, *all* issues being addressed at the talks (see other chapters).
 - Reach out to UNIFEM and other international entities for support and expert advice.
 - Initiate simulated negotiations to strengthen women’s capacities for formal processes.
 - Where women negotiators do exist, reach out to them to provide support, expertise and advocacy on gender issues.
7. Seek out “champions” and supporters of women’s participation among national figures (men and women) such as politicians, religious leaders, media and business personalities.
 - Inform them about the issues that need to be addressed and ways in which women’s participation can improve the process.
 - Call for a “gender quota” at the negotiations.
 - Demand senior female representation from international organisations be involved (e.g. UN Envoys or Special Representatives).
8. Develop alliances between women in civil society, government, and parties to the conflict and create a cross-sectoral action plan that would ensure that gender perspectives and women’s rights issues are included in all areas of the talks.

9. Strategise to join political parties involved in the negotiations so as to promote your agenda from within the structures. If they are unwilling to embrace your agenda, consider alternative measures, such as creating a civil society dialogue, asking for the support of respected national institutions and leaders or creating your own political party.
10. Reach out to the international community and mediators, including representatives from UNDPA, demand inclusion and cite Resolution 1325 as a commitment that must be honoured.
11. Ensure that the public mobilisation does not end with the signing of the agreement.
12. Develop programmes to ensure monitoring, compliance and implementation of the agreements and promote civil society participation.

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ACRONYMS

ANC	African National Congress
AU	African Union
AUC	United Self-Defence Forces of Colombia
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
DPA	United Nations Department of Political Affairs
ECOWAS	Economic Community of West African States
EU	European Union
FARC	Colombian Revolutionary Armed Forces
FAS	Femmes Afrique Solidarité
FMLN	Farabundo Martí National Liberation Front
IFOR	International Fellowship of Reconciliation
IFP	Inkatha Freedom Party
LMT	Local Monitoring Teams
LTTE	Liberation Tigers of Tamil Eelam
MARWOPNET	Mano River Women's Peace Network
MNLF	Moro National Liberation Front
NGO	Non-Governmental Organisation
NIWC	Northern Ireland Women's Coalition
OSAGI	Office of the Special Adviser on Gender Issues and the Advancement of Women of the United Nations
RENAMO	Resistência Nacional Moçambicana
RUF	Revolutionary United Front
SRSG	Special Representative of the Secretary General of the United Nations
UN	United Nations
UNIFEM	United Nations Development Fund for Women
US	United States
USAID	United States Agency for International Development
WPP	Women Peacemakers' Programme

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Peace Support Operations

NICOLA JOHNSTON

One approach to alleviating tensions, supporting a ceasefire or a peace agreement or creating a buffer zone between hostile groups is to organise a **Peace Support Operation (PSO)** to foster and reinforce conditions for sustainable peace. Since 1948 the **United Nations (UN)** has deployed 59 PSOs to conflict zones worldwide. Regional organisations, such as the **African Union (AU)**, also operate PSOs. The role and function of PSOs varies in each setting and has evolved over the past 50 years. This chapter provides an overview of PSOs, focusing particularly on the role of women in UN PSOs, the impact of these operations on women in local communities and the potential for women peacebuilders to engage with UN PSOs.

1. WHAT ARE PEACE SUPPORT OPERATIONS?

The term **Peace Support Operation (PSO)** describes organised international assistance initiatives to support the maintenance, monitoring and building of peace and prevention of resurgent violent conflict. There are two categories of PSOs: **peacekeeping** and **peace enforcement**. Peacekeeping operations monitor and support the establishment of peace, usually in the context of a peace agreement and peace enforcement operations create conditions for peace and are permitted to use force.

Most PSOs are authorised by a UN Security Council resolution under the **UN Charter**. Peacekeeping operations are generally authorised under Chapter VI and peace enforcement operations under Chapter VII. A UN Security Council resolution can authorise a UN PSO, or a regional organisation or coalition of willing states to undertake a PSO. **UN Security Council resolutions** determine the PSO's mandate, which defines the operation's core tasks. A mandate may be altered only by passing a new Security Council Resolution, usually if conditions have changed in the conflict-affected country or region in which the PSO is based.

Over the past two decades, PSOs have adapted to deal with the changing nature of conflicts in different regions of the world. Mandates range from the traditional monitoring of ceasefire agreements and conducting disarmament, demobilisation and

reintegration programmes, to protecting civilians from fighting factions, to the newer mandates for **nation building**, through which governing structures and the security sector are totally rebuilt. Peace enforcement operations where multinational forces are permitted to use force to establish peace are relatively recent phenomena, including the operations in **Afghanistan** and **Kosovo**.

PSOs are usually conducted in the context of a larger effort to reform and rebuild a nation, which can include confidence-building measures, power-sharing arrangements, electoral support, strengthening the rule of law and economic and social development.

Key standards and principles on which all forms of international peacekeeping mandates are based include:

- **International Human Rights Law** based on the the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Cultural and Social Rights, as well as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child.
- **International Humanitarian Law** based on customary international law and treaty rules governing the conduct of armed conflict. The Hague Convention of 1907 and the Geneva Conventions of 1949 and Additional Protocols of 1977 form the core of this

body of law. The **Hague Convention** provides rules for how armed conflict is to be conducted (the law of war), whereas the **Geneva Conventions** provide rules relating to the protection and treatment of prisoners of war, the sick, and wounded as well as civilians (see chapter on human rights).

- **The UN Charter** gives the UN Security Council the power and responsibility to take collective action to maintain international peace and security, based on

the fundamental principle of non-discrimination. It requires that PSOs plan and implement strategies to ensure the protection and promotion of human rights for all, and that such plans and strategies take into account the different situations women face during and after armed conflict. This includes ensuring women's equal access to food, aid and the means of economic subsistence in addition to access to justice mechanisms and opportunities for political participation.

Peace Support Operations and Mandates in 2004¹

REGION	OPERATION COUNTRY	MANDATE
Africa	Burundi	Ceasefire monitoring; disarmament, demobilisation and reintegration (DDR)
	Cote d'Ivoire	Monitor ceasefire; DDR; protect UN personnel and local civilians; support humanitarian assistance; assist in human rights issues; support implementation of peace process; support law and order
	Liberia	Support implementation of ceasefire agreement and peace; assist in human rights issues; DDR, Security Sector Reform (SSR)
	Democratic Republic of the Congo	Monitor implementation of ceasefire agreement; protect civilians under imminent threat; DDR
	Ethiopia/Eritrea	Monitor Cessation of Hostilities Agreement; support (administrative and logistical) Boundary Cooperation; demining to support demarcation
	Sierra Leone	Support implementation of peace agreement; DDR; support national government; support humanitarian assistance; support elections; provide security for airports, government buildings, and DDR sites; coordinate with and support national law enforcement authorities; protect civilians under imminent threat
	Western Sahara	Monitor ceasefire; oversee exchange of prisoners (ICRC); implement repatriation (UNHCR); identify qualified voters; organise free and fair referendum, and proclaim results
Americas	Haiti	Stabilisation operation: support transitional government to develop secure, stable environment; SSR; DDR; protection of civilians under imminent threat; assist restoration and maintenance of rule of law; support constitutional and political processes to foster democratic good governance; support and monitor free and fair elections; support transitional government to promote and protect human rights, particularly of women and children; monitor and report on human rights, including returning IDPs and refugees
Asia	East Timor	Assist until operational responsibilities are fully devolved to national authorities
	India/Pakistan	Monitor ceasefire
Europe	Cyprus	Supervise ceasefire; maintain buffer zone; undertake humanitarian activities

	Kosovo	Promote the establishment of self-government; coordinate humanitarian and disaster relief of all international agencies.
	Georgia/Abkhazia	Verify compliance with ceasefire agreement and separation of forces; protect and promote human rights
Middle East	Golan Heights	Maintain and monitor ceasefire between Israel and Syria
	Lebanon	Support national government to restore control and confirm withdrawal of Israeli forces
	Middle East region	Monitor ceasefires; supervise armistice agreements; prevent isolated incidents from escalating
Central Asia	Afghanistan	Support transitional government; monitor and support elections; monitor human rights ²

2. WHO CAN CALL FOR A PEACE SUPPORT OPERATION?

The international community usually looks to the **UN Security Council** to authorise PSOs, since it is responsible for this in accordance with the UN Charter. Governments or civil society representatives can request PSOs. Where there is no legitimate government in place, or in situations perceived to require an urgent response, the UN Security Council can act independently to protect civilians or international security.

Once a request has been made either in writing or by a representative government and/or civil society delegation, the UN Secretary General or head of the regional peacekeeping organisation will request the Security Council to assess and discuss the need for intervention and the legitimacy of the request. An assessment operation may precede or follow this debate. If Security Council members agree to act, a mandate will be drawn up for the peacekeeping intervention, a plan developed and resources allocated according to this mandate.

If concern for a specific country or region is raised by Security Council members, the same procedures will be followed. Outcomes may include negotiations with representatives of the country for potential UN peacekeeping involvement. This may result in a resolution requesting that country to meet certain standards of disarmament or protection of civilians within a set time. If those standards are not met within the timeframe, the Security Council will discuss potential intervention to ensure international protection standards are upheld. A second resolution

may then be passed endorsing intervention or extending the deadline for compliance.

There are frequently difficult situations such as in **Israel** and **Palestine**, where the Palestinian authority representatives have requested intervention and the Israeli government has blocked any UN intervention. In this situation, the UN has not intervened, but has made certain requests through a Security Council resolution on Israel to uphold international human rights protection standards with regard to their handling of Palestinian civilians.

A similar situation developed in **Sudan**, where civil society representatives were calling for UN intervention while the government was against international intervention. The UN Security Council's initial response was to draft a resolution requesting the Sudanese government to disarm the rebels in the north who were killing and displacing those from the south and to ensure the protection of all citizens according to international human rights and humanitarian conventions.

3. WHO IS INVOLVED IN PEACE SUPPORT OPERATIONS?

The **UN Department for Peacekeeping Operations (DPKO)** is the implementing body for PSOs and the **UN Department for Political Affairs (DPA)** is usually the lead UN agency in political peacebuilding operations. The UN Secretary General (SG) directs and manages PSOs and reports to the Security Council on progress. UN PSOs are generally established as part of an overall UN

mission led by Special Representatives of the Secretary General (SRSGs).

A number of important regional bodies also engage in peacekeeping and peacebuilding, including the **Economic Community of West African States (ECOWAS)** and the **Southern African Development Community (SADC)**; the **Organization for Security and Co-operation in Europe (OSCE)**; the **North Atlantic Treaty Organisation (NATO)**, which has been very active in eastern and central Europe and currently in **Afghanistan**; the **Organization of American States (OAS)** in Latin America; and the **Caribbean Community (CARICOM)** in the Caribbean.

These regional bodies are more culturally and economically appropriate than external organisations in many peacebuilding contexts. PSOs led by a regional organisation or a coalition of willing states are separate from the UN, but are often conducted in partnership with a UN mission. Their peacekeeping or peace enforcement functions are usually endorsed by a UN Security Council resolution. For example, in **Afghanistan**, the Security Council authorised an international coalition to maintain a military presence while setting up a UN political mission to support the transitional government. In this case, the military coalition presence was not under UN command but had UN endorsement. In contrast, the US- and UK-led military coalition intervention in **Iraq** in 2003 did not have the endorsement of the UN Security Council, which created tension within the international community and criticism of the unilateral action of states, undermining the authority of the UN.

PSOs have different components and personnel in accordance with the human resources needed to implement the mandate. All operations usually include a military component, an international civilian police component (CIVPOL) and civilian personnel, who may be responsible for issues such as monitoring the protection of human rights, providing humanitarian assistance, assisting in the drafting of new legislation and coordinating logistics. In addition, a range of international and local humanitarian personnel may be running food relief programmes, infrastructure support programmes, or refugee camps. International humanitarian personnel

are often coordinated by separate UN entities or other international non-governmental organisations (NGOs) and may only liaise informally with the PSO.

THE RESOURCES FOR PEACE SUPPORT OPERATIONS

Member states of the UN or of the regional bodies are responsible for committing military personnel, civilian police and civilian personnel on a voluntary basis. Senior military officers and military observers are directly employed by the UN, usually on loan from their national armed forces. Civilian police officers serve on the same basis as experts on missions paid by the UN. Peacekeeping soldiers are paid by their own governments according to their own national rank and salary scale. Countries volunteering uniformed personnel to PSOs are reimbursed by the UN at a flat rate of a little over \$1,000 per soldier per month. Civilian police and other civilian personnel are paid from the peacekeeping budget established for the operation.³ The UN also reimburses countries for equipment.⁴ However, the UN or regional organisation is in turn dependent on the core contributions of their member states to cover these financial costs.

Researchers and peacebuilding experts have raised the concern that military forces from UN member states are not the appropriate personnel to be employed in PSOs, since they are trained to be aggressive. An additional concern is that some UN member states subcontract their commitment to provide peacekeepers to **private security companies**. These are legal companies, often run by former military personnel, that provide security and protection services to paying clients. The use of such companies in PSOs creates another layer of unclear lines of accountability and line management, as illustrated when an employee of one such company, the US-based DynCorp, was fired for reporting allegations that officials and personnel serving on the UN PSO in **Bosnia and Herzegovina (UNMIBH)** were frequenting nightclubs that were part of a trafficking route and where women were being held against their will.⁵ The same company has subsequently been awarded a contract of \$50 million by the **US State Department** to provide police officers in **Iraq**.⁶

The use of private military and security companies has been increasingly debated in recent years, due in part to mercenary involvement in security companies.⁷

While there are international and regional conventions outlawing the use of mercenaries,⁸ the international legal framework has been slower in addressing private security companies. **The UN Commission on Human Rights** has taken steps recently to address this issue by passing a resolution on *The Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-determination*.⁹ However, the human and financial resources required to monitor the implementation of this resolution have not been allocated.

To address issues of accountability, some peace advocates have proposed that the UN should train and equip an independent peacekeeping force, but this again would be dependent on donor government resource allocation.

ACCOUNTABILITY OF PEACE SUPPORT OPERATIONS TO LOCAL POPULATIONS

Local communities often see the presence of a PSO as a show of concern by the international community for the safety, security and protection of civilians suffering in situations of violent conflict.

Local communities should be made aware of the mandate and role of the PSO through the local media. Most operations include a **public information office** responsible for handling public enquiries from local citizens and undertaking outreach functions. Sufficient resources should be allocated for the operation to work according to the mandate, and the head of the operation is required to submit reports regarding implementation of this mandate to the UN Security Council or regional peacekeeping body.

PSOs work according to agreements between the international organisation and the host state, called **Status of Forces Agreements (SOFAs)**. Peacekeepers are also required to act according to established codes of conduct.¹⁰ This includes the **UN Peacekeepers Code of Conduct** and the **Peacekeeping Handbook for Junior Ranks**. However, both lack guidance or warnings as to the serious legal consequences of conduct which may amount to a serious crime, such as sexual exploitation or rape.¹¹ Military and civilian police participate in UN PSOs under terms carefully negotiated by their national government that volunteered them, and they remain under their government's authority. A gap exists in

standard codes of conduct that apply to all peacekeepers and humanitarian workers as well as monitoring adherence to existing codes. The only all-encompassing international justice system is the **International Criminal Court (ICC)**. However, under UN Security Council Resolution 1422, peacekeepers from states that have not signed the ICC are exempt from its jurisdiction.

Every PSO has a **disciplinary office** or an **ombudsperson** that can be approached with complaints if abuse is experienced or witnessed by other peacekeepers or local community members. The **UN Inter-agency Standing Committee** has also established a **Task Force on the Protection from Sexual Exploitation and Abuse in Humanitarian Crises**. The purpose of this Task Force is to develop recommendations aimed at eliminating sexual abuse and exploitation by humanitarian personnel through;

- development of common codes of conduct and standards of behaviour for humanitarian workers;
- capacity and mechanisms for protection against sexual exploitation and abuse; and
- improved mechanisms for delivering assistance.

Other studies on the protection of children in peacekeeping processes¹² emphasise the importance of PSOs in channeling the outcomes of reported violations by individual peacekeepers back to the parties involved.

Ensuring the protection of the human rights of civilians and conflict prevention are central to the UN Charter on which all peacekeeping mandates are based. The participation of civil society in these activities is crucial in terms of engagement and monitoring to ensure that the PSO is effective.

STRUCTURES IN PEACE SUPPORT OPERATIONS ADDRESSING GENDER AND WOMEN

UN Security Council Resolution 1325 on Women, Peace and Security mandates that women be consulted at all levels and all stages of peacebuilding processes. PSOs are an important part of this process. Of the sixteen UN DPKO-led PSOs active in 2004, nine have established positions for **Gender Advisers** or **Senior Gender Advisers**, seven of which were filled in mid-

“United Nations peace support operations must guarantee that the protection of women’s human rights is central to all actions that promote peace, implement peace agreements, resolve conflict and reconstruct war-torn societies.”

Sherrill Whittington, Former Chief, Gender Affairs Unit, UNTAET¹³

2004. These are personnel with expertise in methods and strategies for understanding, documenting and addressing the different impacts of conflict on men, women, boys and girls and who focus on these issues in the context of the PSO. Four other PSOs in 2004 had a **Gender Focal Point**.¹⁴ This is a person who is the contact point for gender issues, but they are not necessarily gender experts and usually perform another task in the PSO. These different gender positions have supported a range of activities including:

- continued gender-awareness training for peacekeeping personnel, who normally rotate on a six-month basis;
- training police on women’s human rights and CEDAW;
- initiatives to support the political participation of women in election processes; and
- consultation with local women on DDR initiatives and the specific needs of women and girls in this process.

In the PSO in **Sierra Leone**, the Gender Advisor was based in the Human Rights Unit; from this position she was able to set up a **Women’s Task Force on the Truth and Reconciliation Commission**, which focused on gender-based violence during conflict. One of the policy recommendations from the Task Force was that psychosocial support be provided to victims of gender-based violence. The Task Force also concentrated on the achievement of gender balance in the **Special Court and Truth and Reconciliation Commission**.¹⁵

Despite the existence of instruments to support gender-aware practices, more is needed to ensure that the issues are fully integrated into PSOs. Despite DPKO’s commitment to the implementation of Resolution 1325, **Gender Units** (a team of UN civilian personnel focusing on addressing the different needs of women, men, boys, and girls) have been incorporated into PSOs on an ad

hoc basis, often as a result of lobbying by civil society groups, supportive governments and UN Agencies such as the **Office for the Special Adviser on Gender Issues and the Advancement of Women (OSAGI)** and the **United Nations Fund for Women (UNIFEM)**. Gender advisers and focal points often have few resources allocated to them and insufficient status, making the task even more difficult for individuals within the UN system who are committed to promoting women’s protection and participation. The 2002 UN operation in **Afghanistan** included the post of Senior Gender Adviser, but the position was filled only temporarily for two months and then downgraded to Gender Adviser. The Gender Unit to the UN operation in the **Democratic Republic of the Congo (DRC)** has consisted of a Senior Gender Adviser, two other professional Gender Adviser posts, as well as two UN volunteers and national staff. Although this is a relatively large gender unit, the staff have a vast country to cover in a situation where many different militia groups and combatants use gender-based violence as a systematic weapon of war and very little infrastructure exists to access victims or develop protection strategies.

The expectation, with the appointment of a Gender Adviser at the **UN DPKO Headquarters** in 2004, is that the task of gender mainstreaming throughout all PSOs will become more systematic. However, its success is largely dependent on the commitment of sufficient budgetary commitment from UN member states.

4. HOW DO PEACE SUPPORT OPERATIONS AFFECT WOMEN?

The arrival of a PSO brings with it resources, people and equipment intended to assist in supporting and securing sustainable peace. With the drafting of a peace agreement and the initiation of political processes such as the development of a new constitution and new accountable governance systems, potential is created for women’s support and engagement in equitable ways that were not possible prior to or during the conflict. There is a chance to redress social injustices and impunity for crimes committed during war. A PSO can support and monitor the passage of such processes, if women are able to collectively develop and communicate their priorities. In **East Timor**, the Gender Unit of the peacekeeping mission worked with local women’s

groups to draft legislation on domestic violence and increase the gender balance within the local police. In contrast to these positive effects, PSOs can also generate dependency on their human and economic resources and, if not managed well in terms of building local resources and capacity, violence can resurface with the departure of the PSO.

PROMOTING THE RULE OF LAW AND GENDER JUSTICE

One example of what a PSO can do to support women is the promotion and development of a gender-equitable justice system. When PSOs are mandated to help strengthen or rebuild rule of law institutions and to establish administrative, legislative and judicial infrastructures, significant opportunities are created to strengthen access to and protection of gender-inclusive human rights and human security. In this context, promoting gender justice is a critical function of PSOs.

Gender justice is the protection and promotion of civil, political, economic and social rights on the basis of gender equality. Gender justice necessitates that the rights themselves cover the specific gender needs of men, women, boys and girls and that all have equal access to these rights irrespective of gender.

The International Community recognises **gender-based violence**, including rape and sexual torture of women and girls, as a weapon of war. In the southern part of the South Kivus in Eastern **DRC**, there are villages where local women's networks¹⁶ have reported that all the women and girls have been systematically raped by different militia groups.¹⁷ Such atrocities impact the individual, household relations and the whole community. Critical medical, economic and psychosocial needs can be addressed by PSO outreach initiatives in such situations. It is also important that these cases of abuse are documented and followed through to ensure non-impunity of those responsible for such violations. It is vital that outreach initiatives and UN fact-finding missions include consultation with women's groups to understand their perceptions of the conflict situation and their priorities for addressing them.

PSOs can and must foster a culture of gender justice and accountability in the implementation of their

mandates in the communities in which they operate. At a minimum, this means avoiding compounding gender inequalities that exist already. This approach is supported if a peacekeeping operation has a Gender Adviser, Gender Focal Point or Gender Unit to monitor and ensure a gender-aware approach and sensitivity in all aspects of the operation.

NEGATIVE SOCIAL AND ECONOMIC IMPACTS OF PEACE SUPPORT OPERATIONS

The arrival of a PSO has considerable impact on the local economy. The salaries of peacekeepers are generally well above those of the community, and local entrepreneurs have been seen to adjust prices for accommodation and goods accordingly to increase their profits. This in turn may be negative for the local population, which can no longer afford such facilities and goods. A situation of dire poverty, which is most often associated with conflict-affected regions, also encourages desperate means of survival. For women and girls this has sometimes culminated in forced prostitution. Unfortunately, since PSOs are largely composed of unaccompanied men earning significantly more money than local nationals, this provides many potential prostitution clients and further entrenches prostitution as a sustained survival opportunity. A study by the UN Division for the Advancement of Women (DAW) in 1995 found that the incidence of rape and prostitution falls significantly, with the presence of women personnel in PSOs.²⁴

PSOs have also been described as vectors for the spread of HIV/AIDS (see chapter on HIV/AIDS). A local community in **Mozambique** in the conflict-affected border areas with **South Africa** claimed that Zambian peacekeepers brought HIV/AIDS into their rural communities.²⁵ The number of prostitutes in Phnom Penh reportedly rose from 6,000 to 20,000 during the UN peacekeeping operation in **Cambodia**. One troop-contributing country found that 25 percent of its peacekeepers were HIV positive upon their return home.²⁶ The UN has mainly focused on protecting peacekeepers from contracting the virus by encouraging condom use and abstinence. However, Resolution 1308 and especially 1325 mention the need to address the issue of local women being infected by peacekeepers and HIV/AIDS awareness in general through peacekeeping interventions.

The Challenges of Building a Culture of Gender Justice and Accountability through Peace Support Operations: East Timor and Kosovo

The PSOs in **East Timor (UNTAET)** and **Kosovo (UNMIK)** have been multifaceted operations in which the UN has executive governing authority. The operations have involved assisting in the restructuring of police and military forces, capacity building for the judiciaries, electoral assistance and the drafting of a new constitution. In both situations, the legal instruments establishing the authority of the interim administrations included the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** among the guiding human rights instruments to be applied by the governing bodies.¹⁸

Efforts to bring a gender perspective to the work of the **Serious Crimes Unit** were undertaken. In **Kosovo** this included forming a **Gender-Related Crime Team** linked to the **Serious Crimes Investigation Unit**. This team investigated sexual and gender violence committed as part of the widespread and systematic attack against the civilian population during the 1999 violence. This has resulted in several indictments, including for acts of rape and sexual violence.¹⁹

The UNTAET operation was characterised by close interaction with the local population and especially women's groups. Local women successfully lobbied for the Gender Unit when UN financial backing for it was not initially allocated.²⁰ Once in place, the Gender Unit organised consultations, workshops and training with women's groups and incorporated the Women's Platform for Action, adopted by women's groups after the end of the conflict, as part of its work plan. The unit worked to help women gain a strategic foothold and supported their involvement in legislative and electoral processes, drafting key policy documents and using the framework of CEDAW and the Beijing Platform for Action and later Security Council Resolution 1325. The unit later became the **National Department for Women**, once governance was officially handed over to the East Timor government.

Gender-sensitive provisions in the Constitution were among the successes of the unit and its local partners that established the Women and Constitution Working Group. In association with the Gender Unit, the Working Group held consultations throughout **East Timor** on basic issues of concern to women. This process yielded a Women's Charter of Rights.

Other rule of law initiatives supported by the Gender Unit included the establishment of a Gender and Law Working Group that brought legal professionals and civil society experts together with gender focal points to review and advocate for legislation in accordance with international human rights norms from a gender perspective. The unit also helped organise and support gender training for the judiciary and other legal and law enforcement professionals.

In contrast, in **Kosovo**, UNMIK was widely criticised by women's groups for marginalising women's voices and further jeopardising an already precarious situation in the post conflict scenario. One example was the use of many UN officials of *Leke Dukagjini*, a source of customary law in Kosovo dating back to the sixteenth century, as opposed to reviewing contemporary legislation drafted during the Socialist era.²¹ *Leke Dukagjini* promoted situations that are in direct contravention to CEDAW, the **International Covenant on Civil and Political Rights (ICCPR)**, as well as other international and regional human rights instruments. The code also made it difficult for women to own and inherit property and further characterised children as the property of the father and stated that if the father dies, his family inherits the offspring. Women's groups reported that several UN officials were referring to this source of customary law for guidance in implementing their mandate in Kosovo.²² In one incident a UN official argued with women advocates that Kosovo wasn't ready to recognise women's rights.²³

Financial and Legal Responsibility for “UN Children”²⁷

To date, the UN has not taken steps to address the issue of children conceived by personnel serving in UN missions. The issue of children being fathered by military troops serving away from home has been well documented (see chapter on children’s security).²⁸ In **Cambodia**, estimates place the number of children fathered by UN peacekeepers at 25,000.²⁹ In **Liberia**, the prevalence of children fathered by peacekeepers was considered so serious that several NGOs were established to deal with the matter. Estimates vary, but some reports project that at a minimum 6,600 children were fathered by soldiers serving in the UN Observer mission in **Liberia**.³⁰

Often the mothers and the children born of these encounters face persecution, scorn and stigma in their communities subsequent to the departure of a PSO. There are a myriad of political, psychological, economic and social issues for the children abandoned by their UN fathers, including rights of nationality. Abandonment of children is a direct violation of the Convention on the Rights of the Child.³¹

Trafficking and Sexual Exploitation

Human trafficking is illegal and in this respect differs from prostitution, which is legal in many countries. Trafficking is a serious form of exploitation and abuse that constitutes a gross violation of fundamental human rights. Victims are primarily women and girls.

Trafficking refers to the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception, use of power or position of vulnerability or giving payments or benefits for control of another person. – UN PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, 2003

There have even been instances of UN personnel acting as traffickers or using trafficked women for prostitution. Trafficking is driven by a variety of factors including:

- poverty and desperation among local populations (particularly young women);
- organised criminal networks involved in human trafficking (especially for the sex trade);
- lack of systematic accountability or penalties for peacekeepers violating their code of conduct; and
- no application of anti-trafficking policies by the peacekeeping operation.

A weakness in the system is that UN personnel are above the local law. Personnel caught trafficking or

committing any other crime are sent home to their country of origin. The choice of whether to pursue legal proceedings and punishment is left to their country of repatriation.

The DPKO has recognised that PSOs trigger human trafficking rings in the regions in which they operate because of the mass influx of a relatively wealthy, predominantly male peacekeeper population potentially interested in purchasing sexual and other services from trafficked women and girls. Recognition of this reality has led DPKO to start developing strategies to pre-empt and prevent trafficking. Efforts are being made in some operations to appoint an **Anti-Trafficking Focal Point** and to encourage a systematic approach of reporting to ensure that victims are protected. In **Kosovo**, a **Trafficking and Prostitution Investigation Unit** was established in 2000 within UNMIK police, composed of international police and members of the Kosovo Police Service. Local women’s groups have played a critical role in monitoring trafficking incidences in their communities and reporting abuses to the Anti-trafficking Focal Point or the Personnel Conduct Officer in the PSO.

In the PSO in **Liberia** (UNMIL), the **UN Civilian Police (CIVPOL)** appointed a female trafficking officer with a team of seven CIVPOL officers. The trafficking officer and her staff raided nightclubs and rescued women and girls who had been trafficked. However, the NGO **Refugees International** reported that there were no follow-up procedures to protect women who choose to testify against the traffickers or

assistance for the women in terms of temporary shelter and repatriation.³² The trafficked women were being handed over to local NGOs, who did not have sufficient resources to support or protect them. Local NGOs also raised the concern that the trafficking task force was all male, apart from the head trafficking officer. This did not encourage trafficked women to speak openly about the sexual and other abuses they may have experienced. To address these concerns Refugees International recommended that:

- UNMIL modify its law enforcement approach to human trafficking by working more collaboratively with NGOs and supporting organisations, in compliance with UN policy;
- UNMIL immediately appoint a community focal point for sexual exploitation and provide this person with adequate staff support and resources. Disciplinary action should be enforced for those found guilty;
- the Special Representative of the Secretary General instruct the CIVPOL trafficking officer to follow all UN policies regarding human trafficking;
- UNMIL begin sensitising CIVPOL and other staff on the many dimensions of trafficking;
- CIVPOL ensure that any interviews with women be conducted in a safe and secure environment by a female police officer;
- CIVPOL recruit more women officers to work on its trafficking team; and
- CIVPOL begin working with other organisations to address the issue of Liberians working in brothels and to provide them with equal access to protection.

It can be difficult to gather enough evidence to substantiate an allegation of sexual exploitation, whether through trafficking or forced prostitution. Victims are often pressured by their families to keep quiet. It is extremely difficult to investigate allegations and to maintain the victim's right to protection and privacy, as well as an employee's right to due process. The head of the PSO in Liberia was explicit about a "zero tolerance" policy on sexual exploitation.³³ He emphasised repeatedly that any member of the UN community who was caught having sex with someone under 18 would be repatriated. To address problems with trafficking, UNMIL also made some notorious

nightspots off limits and enforced a midnight curfew for UN staff.³⁴ Despite these strict prevention initiatives the head of operation expressed his frustration at not being able to follow through cases of abuse beyond making recommendations to DPKO. He did not know what happened when the peacekeepers were sent back to their home country.

In the UN PSO in the **Democratic Republic of the Congo** (MONUC), the Senior Gender Adviser's Office cooperated closely with the Senior External Affairs Officer to address allegations of sexual exploitation of Congolese women and girls by UN peacekeepers.³⁵

States that contribute peacekeepers must ensure that personnel are:

- trained in trafficking and sexual exploitation issues;
- able to recognise its occurrence;
- aware of the anti-trafficking laws and policies that exist;
- familiar with accountability mechanisms that exist if they engage in abusing locals;
- checked for their own criminal record; and
- part of the solution and not the source of the problem.

DPKO has developed manuals for sexual exploitation awareness for pre-deployment training of all staff. DPKO should assist by sending gender and trainers to countries that lack this facility and the training should be followed up at regular intervals. Methods to improve managerial approaches in PSOs, using personnel conduct officers and safety and security personnel, are being developed by DPKO. Efforts are also being made to build stronger capacities for criminal investigations and follow-up of breaches at all levels.³⁶

These efforts are commendable. However, there is still a need for an overarching systematic accountability mechanism for the various actors involved in PSOs (civilian police, military police, military, private security and humanitarian workers). In practice, there is little consistency on how and why cases are selected and what action is taken to follow-up allegations of abuse, or punishment of individuals found guilty of committing abuses. Clear transparent

mechanisms are required for reporting, analysing and investigating disciplinary matters. The conduct of disciplinary proceedings and follow-up in PSOs at headquarters and with member states require strengthening at all levels.

5. HOW DO WOMEN CONTRIBUTE TO PEACEKEEPING?

Women as Decision-Makers: Women can play an important role in determining the mandate and scope of PSOs. In **South Africa**, women parliamentarians got involved during post-apartheid discussions on the country's role in peacekeeping. Their influence helped expand the definition of peacekeeping operations beyond the traditional deployment of troops, to incorporate a more holistic, human security approach. The South African Deputy Minister of Defence has drawn attention to the contributions of women policy-makers: "Women have contributed to the fact that you have to assist with reconstruction...with the rebuilding of communities where there has been violence. In order to have lasting peace, you have to get involved in the development of that country."³⁷

Women as Peacekeepers: There are fewer women involved in PSOs than men, particularly in military and civilian police forces. At the end of 2003, women represented 25 percent of civilian professional staff, 4 percent of civilian police, and 1.5 percent of military personnel.³⁸ This low representation is mainly due to the lack of flexibility to move to a foreign location at short notice, based on women's usual role as primary caregivers in the home. There has also been a past bias to employ men in positions seen as being "too dangerous" for women, as well as a lack of political will to place women in senior positions in PSOs.

Research has nevertheless shown that women have a key role to play in peacekeeping situations.³⁹ This is particularly evident in their engagement with local communities. Victims of sexual abuse feel more comfortable and willing to come forward when faced with a woman civilian police officer. In some cultures, women are strictly prohibited from talking to men who are not male relatives. This can pose a security risk to the woman or any male peacekeeper involved. In view of the need for outreach that

includes women, the presence of women peacekeepers is critical to ensuring that women's perspectives and experiences are known. This has been evident in **Afghanistan** and **Somalia**.

Some of the specific and critical capacities of women peacekeepers were highlighted by a senior female military member of staff at the DPKO. These roles include:

- participating in the design, writing and inception of mandates to ensure there is explicit attention to women's specific support needs;
- training by women civilian police for new police forces in order to set a critical example to the local population; and
- female public information officers ensuring that the collection, analysis and dissemination of gender-specific information addresses the information needs of local women.⁴⁰

Additionally, international studies on women and policing have found that across cultures, women police officers have the following positive attributes. They

- use force less frequently than their male counterparts;
- are less authoritarian when interacting with citizens and lower-ranking officers;
- have better communication and negotiation skills;
- are more likely than male officers to diffuse potentially violent situations;
- respond more effectively to violence committed against women; and
- have significantly lower rates of complaints of conduct, improper use of force or inappropriate use of weapons.⁴¹

Women peacekeepers are also seen as role models, encouraging greater gender balance in emergent democracies. When a Jamaican woman led the UN Observer Operation to **South Africa**, the presence of a black woman leading the operation was an important signal for local actors, particularly the women, who found it empowering and encouraging. The operation had 46 percent women, and studies indicate that they were effective at establishing trust with local

communities.⁴² The PSO in **Guatemala (MINUGUA)** experienced similar success, where the proportion of women to men was just under 50 percent.⁴³

Despite the fact that technological innovations have changed the nature of contemporary warfare, making old-fashioned close combat less likely and leaving the role of the modern soldier more gender neutral, women are underrepresented in all NATO militaries, especially in senior ranks.⁴⁴ In recognition of the crucial gender-specific role played by women in peacekeeping situations, some countries have attempted to further encourage women to join their peacekeeping personnel. In **Norway**, as part of the Defence Ministry's strategy for gender equality, extensive mentoring programmes were launched to encourage women to compete for senior positions in the armed forces. **Belgium** and the **Netherlands** are experimenting with opportunities for part-time work to make it easier for mothers of young children. A recently published family policy action plan for Norwegian armed forces focuses on support for families with members deployed on international operations. In **Denmark**, personnel are given a great deal of control over their work assignments and duty cycle to minimise strains on family life, including taking a temporary downgrading without jeopardising future career possibilities. **The Royal Canadian Mounted Police (RCMP)** peacekeeping branch is conducting studies into why Canadian women officers do or do not volunteer for peacekeeping duties.⁴⁵ It is important that other militaries and police forces apply similar strategies.

Women in Civil Society: There are a number of examples of women's networks and organisations engaging with peacekeeping issues. At the international level, the UN-focused NGO **Working Group on Women, Peace and Security**⁴⁶ has:

- supplied lists of women's organisations to Security Council fact-finding missions in the DRC, Burundi, Afghanistan, Sierra Leone and Liberia;
- given input to gender briefs for PSOs and mandate development;
- with supportive UN member states, jointly facilitated two Security Council Working Roundtable Discussion on Resolution 1325 on Women, Peace and Security; and

- facilitated Arria Formula meetings, enabling women from conflict-affected regions which the Security Council is focusing on to speak directly to the Security Council about their priorities.

At the regional level, the **Caucasus Women's League** has written a statement to the UN Secretary General to consider the specific protection needs and human rights of women residing in unrecognised states, requesting a woman SRSG for the PSO in the region. **Femmes Africa Solidarité** has been engaging with the African Union in drafting a gender statement, which also integrates gender considerations for peacekeeping. In **Rwanda**, women ex-combatants from the association **Ndabaga** have asked for a role in regional peacekeeping operations in Africa, pointing specifically to the recent Rwandan government's commitment to support regional peacekeeping operations by sending soldiers to help protect African Union ceasefire monitors. They have urged that ex-combatant women be included in such operations; because of their experience of warfare and its particular impacts on women, and their interest in assisting women in conflict situations.⁴⁷

At the national level, the women's organisation **Kvinna til Kvinna** was involved in training peacekeepers on gender awareness and women's rights in the PSO in **Bosnia**. Women's organisations in **East Timor** requested UN support for a fully resourced gender unit in the peacekeeping operation. Once this unit was successfully established, women went further, working with the gender unit to ensure that the constitution and new legal system were gender equitable. In the **DRC**, women's groups are working with the gender unit and the human rights unit, sharing their documentation of cases of abuse and rape.

6. WHAT INTERNATIONAL POLICIES EXIST?

Within the UN system and among member states, there are small pockets of experts who recognise the important role that women can play in peacekeeping and PSOs. There is also increasing understanding of the negative effect that male-dominated PSOs can have on local populations. With regard to PSOs, in **Resolution 1325 on Women, Peace and Security** (2000) the Security Council:

- calls for an expanded role for women in UN field-based operations and especially among military observers, civilian police and human rights and humanitarian personnel;
- expresses its willingness to incorporate a gender perspective into PSOs;
- urges the Secretary General to ensure that field operations include a gender component;
- requests the Secretary General to provide member states with training guidelines and materials on the protection, rights and particular needs of women, as well as on the importance of involving women in all peacekeeping and peacebuilding measures;
- invites member states to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment; and
- requests the Secretary General to ensure that civilian personnel of PSOs receive similar training.

In the **Beijing Plus Five** review of the Platform for Action, UN member states again committed themselves to provide gender-sensitive training to all actors in PSOs. The “institutionalisation of women’s participation” in peacekeeping and conflict resolution was identified as the biggest challenge and it was seen as important and strategic for member states to promote women in peacekeeping through high-level assignments.

The Windhoek Declaration Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (2000) preceded Resolution 1325 and provided detailed recommendations for integrating gender into areas of:

- negotiations in furtherance of a ceasefire and/or peace agreements;
 - mandates;
 - leadership;
 - planning, structure and resources of missions;
 - recruitment;
 - training;
 - procedures monitoring, evaluation and accountability; and
 - public awareness
- The declaration is based on the understanding that to ensure the effectiveness of PSOs, the principles of gender equality must permeate the entire mission at all levels, thus ensuring the participation of women and men as equal partners and beneficiaries in all aspects of the peace process, from peacekeeping, reconciliation and peacebuilding, to a situation of political stability in which women and men play an equal part in the political, economic and social development of their country. The declaration makes concrete recommendations.
- The initial assessment mission for any PSO should include a senior adviser on gender mainstreaming.
 - All mandates for PSOs should refer to the CEDAW, as well as other relevant international legal instruments.
 - Follow-up mechanisms should be established within the mission’s mandate to fully implement gender-mainstreaming in the post conflict reconstruction period.
 - Obligatory induction training with regard to gender issues held upon arrival at mission areas should include:
 - a code of conduct;
 - culture, history and social norms of the host country;
 - CEDAW; and
 - handling of sexual harassment and sexual assault cases.
 - Accountability for all issues relating to gender mainstreaming at the field level should be vested at the highest level, in the Secretary General’s Special Representative, who should be assigned the responsibility of ensuring that gender mainstreaming is implemented in all areas and components of the mission.
 - The current format of reporting, particularly situation reports and periodic reports of the Secretary General, should include progress on gender mainstreaming throughout peacekeeping missions.
 - All possible means should be employed to increase public awareness of the importance of gender mainstreaming in PSOs. In this connection, the media should play a significant and positive role.

Resolution 1325 requested the UN Secretary General to submit a report on the progress towards implementation in 2002. This **UN Secretary General's Report on Women, Peace and Security (2002)** made further recommendations for action with regards to peacekeeping:

- Action 10: Incorporate gender perspectives explicitly into mandates of all peacekeeping missions, including provisions to systematically address this issue in all reports to the Security Council.
- Action 11: Require that data collected in research, assessments and appraisals, monitoring, evaluation and reporting on peace operations is systematically disaggregated by sex and age and that specific data on the situation of women and girls and the impact of interventions on them is provided.
- Action 12: Ensure necessary financial and human resources for gender mainstreaming, including the establishment of gender advisers/units in multidimensional PSOs and capacity-building activities, as well as targeted projects for women and girls as part of approved mission budgets.

The European Parliament Resolution on Gender Aspects of Conflict Resolution and Peacebuilding (2000) covers a number of areas to ensure the protection of women and girls in conflict-affected regions. In the context of peacekeeping, emphasis is placed on the need to increase the number of women peacekeepers to improve relations with the local community. The resolution covers three areas for implementation:

- the protection of war-affected populations;
- international efforts to prevent and solve armed conflicts; and
- community-based participation in the prevention and resolution of armed conflicts.

Under *International Efforts to Prevent and Solve Armed Conflicts*, the section that most relates to peacekeeping, an increased use of non-military methods of crisis management is promoted, and accordingly it calls on member states and the **European Commission** to:

- recruit more women in diplomatic services;
- nominate more women to international diplomatic assignments and senior positions within the UN and

increase the percentage of women in delegations to national, regional, and international meetings concerned with peace and security;

- ensure that at least 40 percent of women hold posts in reconciliation, peacekeeping, peace enforcement, peacebuilding and conflict prevention;
- undertake systematic gender analysis as an integral part of planning reconstruction efforts and external interventions; and
- promote the establishment of national machinery for gender equality within governments through a **Ministry of Women's Affairs**, a **Gender Desk**, or an **Office of the Status of Women**.

Under “Community-based Participation in the Prevention and Resolution of Armed Conflicts,” the Resolution stresses the importance of local involvement and ownership of the peace and reconciliation process and in this regard calls upon member states and the Commission to:

- support the creation and strengthening of NGOs and ensure that the warring factions incorporate civil society representatives—50 percent of whom should be women—into their peace negotiation teams;
- promote public debate in post conflict regions concerning gender-based abuses, ensuring that men and women benefit from external reconstruction initiatives in the process; and
- pay particular attention to the specific rehabilitation needs of girl soldiers.⁴⁸

Despite the existence of these international policies and a number of other regional policies supporting gender awareness in peacekeeping, there have been no systematic implementation efforts.

7. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

At international and regional levels, women can call for:

1. the inclusion of gender-specific needs into all mandates for PSOs and resolutions;

2. gender units to be an integral and well-resourced component of all PSOs;
3. gender expertise to be a necessary requirement for all heads of peacekeeping operations;
4. states contributing peacekeepers to ensure that all peacekeepers receive mandatory training in human rights and the protection of civilians, in particular the specific protection needs of women from gender-based violence;
5. states contributing peacekeepers to encourage the deployment of women peacekeepers and heads of operation;
6. international bodies responsible for PSOs to ensure that international legal standards relating to sexual and gender violence are included in standard interim criminal codes for use by transitional authorities providing civilian police functions and protection for the local population;
7. all peacekeeping fact-finding missions and in-country PSOs to consult with women's organisations and build on women's peace-building initiatives, as mandated in UN Security Council Resolution 1325; and
8. the international media to cover the specific experiences and perspectives of women and girls in all countries where there are active PSOs.

Additionally, gender checklists can be provided for the drafting of mandates and resolutions relating to PSOs either according to a country-specific context or an issue specific context. Such checklists could be channeled to the Security Council through the **UN Office of the Special Adviser on Gender Issues and the Advancement of Women (OSAGI)**, the **UN Development Fund for Women (UNIFEM)**, or the UN-focused NGO Working Group on Women, Peace and Security. For specific country contexts, it is also important that fact-finding operations of the Security Council have contact details for representative women's organisations and consult with them. These contact lists can also be channeled to the UN system through the NGO Working Group on Women, Peace and Security.

At national and local levels, women's organisations can make contact with the peacekeeping operation through

the Gender Unit, focal point, human rights component or NGO liaison officer. In terms of specific action women can:

1. insist that PSOs consult with local women's organisations and that they support local peacebuilding initiatives as requested in Resolution 1325;
2. educate civil society on the role and responsibility of the peacekeeping operation in their country;
3. document and report any abuse to the ombudsperson, disciplinary officer, gender unit or human rights unit. If these do not exist, women can collaborate to call for an accountability mechanism from the head of the operation or approach the local, national and international media;
4. get involved in the gender-awareness training of peacekeepers in the context of their country and the conflict situation;
5. report any issues of trafficking in humans to the office of the head of the operation or ombudsperson;
6. get involved with the planning of DDR initiatives to ensure that gender-specific considerations are properly supported, particularly the reintegration needs of women and girl combatants, dependents, widows and communities to which the combatants are being reintegrated (see section on DDR);
7. report any issues not being acceptably addressed by the peacekeeping operation to the UN-focused NGO Working Group on Women, Peace and Security and develop collaborative multilevel advocacy strategies to change the situation;
8. work with Gender Units to ensure they are consulted and included in all formal and informal peace processes facilitated by the peacekeeping operation. They can call for regular meetings, briefings, and appropriate media dissemination of information in the local language; and
9. call for a visit and report from the Special Rapporteur on Violence against Women and refer issues of abuse and violence to national CEDAW reporting focal points.

WHERE CAN YOU FIND MORE INFORMATION?

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ACRONYMS

AU	African Union
CARICOM	Caribbean Community
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CIVPOL	United Nations Civilian Police
DAW	Division for the Advancement of Women United Nations
DDR	Disarmament, Demobilisation and Reintegration
DPA	United Nations Department of Political Affairs
DPKO	United Nations Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
MINUGUA	United Nations Verification Mission in Guatemala
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
OAS	Organization of American States
OSAGI	Office for the Special Adviser on Gender Issues and the Advancement of Women of the United Nations
OSCE	Organization for Security and Cooperation in Europe
PSO	Peace Support Operations
RCMP	Royal Canadian Mounted Police
SADC	Southern African Development Community
SOFA	Status of Forces Agreements
SRSG	Special Representative of the Secretary General of the United Nations
UN	United Nations
UNIFEM	United Nations Development Fund for Women
UNHCR	United Nations High Commissioner for Refugees
UNMIL	United Nations Mission in Liberia
UNMIK	United Nations Mission in Kosovo
UNOMIL	United Nations Observer Mission in Liberia
UNTAET	United Nations Transitional Administration in East Timor

ENDNOTES

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Post Conflict Reconstruction

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While conflict is ongoing, the provision of humanitarian assistance—basic food, shelter and medical services—is a priority for both national and international actors. The signing of a peace agreement or other event that marks the official end of war signals the beginning of post conflict reconstruction. Large bilateral or multilateral agencies arrive to work with national governments, and to manage and disburse most funds for social and economic reconstruction. This transition from war to peace is not smooth. More often than not “emergency relief, rehabilitation work and development assistance co-exist...and interact.”¹ When peace agreements hold and military violence subsides, the focus of aid shifts from emergency relief to long-term social and economic development.

Among international donors, there is widespread understanding that social and economic reconstruction in the immediate post conflict phase—often known as the transition phase—is not only a key to preventing a recurrence of conflict, but is also a critical step toward long-term development. In 2002 a consortium of international actors, including the **Center for Strategic and International Studies**, published the Post Conflict Reconstruction Framework.² The Framework identifies three phases of activity between the “cessation of violent conflict and the return to normalisation.”³ While overlapping and not always consistent, the phases (noted below) are helpful in identifying priorities and understanding the continuum from war to peace.

1. The **initial response** comes immediately after the end of widespread violence and is characterised by the provision of emergency humanitarian services, stability and military interventions to provide basic security. Internationally such responses also include the deployment of peacekeepers (See chapter on peace support operations).
2. The **transformation or transition** phase is a period in which legitimate local capacities emerge and should be supported, with particular attention needed for restarting the economy, including physical reconstruction, ensuring functional structures for governance and judicial

processes and laying the foundations for the provision of basic social welfare such as education and health care.

3. The **final phase** or the period for **fostering sustainability** is a time when recovery efforts should be consolidated to help prevent the resurgence of conflict. Military actors—particularly international peacekeepers—withdraw and society begins to “normalise” during this phase.

The critical role of local populations in post conflict reconstruction is often overshadowed by the arrival of major international actors, but there is acknowledgment that ultimately effective and sustainable reconstruction is largely determined by the commitment and capacities of local populations, including national government and civil society, to maintain the process. Increasingly, international actors are reaching out to local organisations in partnership for reconstruction efforts. Yet, often women and grassroots groups at the front lines of recovery are marginalised and excluded. This chapter, although not definitive, offers an overview of the policies and practices of the international community as they engage in post conflict reconstruction. Broadly speaking, this includes addressing security, governance and justice issues as well as economic development and social well-being. However, as other chapters of this Toolkit are dedicated to many of these issues, this chapter

focuses on economic regeneration. It highlights the impact of policies and programmes on women, the challenges and opportunities they encounter in establishing social and economic reforms that meet their needs and the ways in which women's organisations have overcome these problems.

1. WHAT IS SOCIAL AND ECONOMIC RECOVERY AND RECONSTRUCTION?

The social and economic dimensions of reconstruction include re-establishing the functional components of society, including:

- restoring **internal security**, including the reintegration of uprooted populations, and disarming, demobilising and reintegrating former combatants (see related chapters);
- building administrative and **governance capacities** (see chapter on governance);
- repairing **physical infrastructure**, including building homes, roads and bridges; restoring water, electricity and fuel supplies; repairing schools, markets and hospitals; recruiting personnel; and providing the training necessary for operations and maintenance;
- establishing functioning **financial infrastructures and economic restructuring**. This includes creating a credible banking and financial system; fiscal planning and budgets; restoring an economic base drawing on traditional agricultural or pastoral production and existing industries; and creating an environment conducive to generating new sources of income and economic growth. It also includes the provision of loans and grants to businesses or new ventures, skills training, development of new industries and commerce and eliminating criminality and the control of armed actors over important sectors of the economy;
- establishing a credible and functioning **judicial system**, including processes for drafting legislation, reforming courts and judicial processes, recruiting personnel, providing training and initiating a national legal literacy program (see chapters on transitional justice and human rights); and
- ensuring **social well-being**, including the health care needs of the population, (e.g. food security, providing basic social services and rebuilding education systems).

Clearly these issues are not unique to post conflict settings, but the phase of conflict can determine the primary actors, the type of assistance most needed and what can be provided.

2. WHO AND WHAT IS INVOLVED IN POST CONFLICT RECONSTRUCTION?

Societies emerging from conflict have become a growing concern for many international donors. There is awareness that while war has ended, peace, especially sustainable peace, is not so easily forthcoming. Dire poverty, ongoing ethnic, political or religious rivalry, the proliferation of arms, non-existent governments and infrastructure all pose tremendous threats that can easily lead a country back into war. Simultaneously and despite the overwhelming challenges, the post conflict period is also a period of hope and opportunity. Coming after years or even decades of fighting, it is a time—albeit brief—when financial and technical resources are available to help address the root causes of war and shape the future of a nation.

At the international level, there is acknowledgement that in many cases, “winning the peace” poses a bigger challenge than winning the war and that nation-building is a complex and long-term process. There is also understanding that no single institution can address every issue.

THE ACTORS

Many of the key actors involved in post conflict reconstruction are listed below. Although in the majority of cases, as noted, they have specific policies on gender mainstreaming and the empowerment of women, these policies often are not effectively implemented at the field level.

1. **The World Bank Group** comprises five institutions and is owned by governments of 184 member nations. The US is the largest shareholder, holding just over 16 percent of the votes. It includes:⁴

- the **International Bank for Reconstruction and Development (IBRD)**, which focuses on poverty reduction through loans, guarantees and advisory services to middle-income credit-worthy countries;
- the **International Development Association (IDA)**, which provides interest-free loans to the world's 81 poorest nations;
- the **International Finance Corporation (IFC)**, which promotes economic development by supporting the private sector;
- the **Multilateral Investment Guarantee Agency**, which encourages foreign investment in poor countries by providing guarantees against non-commercial losses (e.g. as a result of war); and
- the **International Center for the Settlement of Investment Disputes (ICSID)**, which encourages foreign investment by providing arbitration and mediation services in case of disputes.

The World Bank specifically refers to the IBRD and the IDA. The **country director** leads its offices in each country and has primary responsibility for developing a **Country Assistance Strategy (CAS)**. The CAS is a 3-year plan that defines the priority areas for investments, technical assistance and activity for the Bank.

Since the 1990s, the World Bank has become increasingly involved in post conflict aid activities. Between 1980 and 1998 the Bank's lending to post conflict countries increased by 800 percent, which represented 16 percent of the Bank's total lending activity that year. More recent figures indicate that World Bank assistance to post conflict countries amounts to some 25 percent of its lending; in 2003 that amounted to \$18.5 billion.⁵ In part this increase is due to the surge in conflicts immediately after the end of the Cold War and thus to an increase in the number of countries that could be categorised as "post conflict" in subsequent years. But it is also due to increased involvement by the Bank in such situations. The Bank is also increasingly providing aid in grant form rather than as loans to post conflict countries.

The Bank also has a **Post Conflict Fund (PCF)** that gives grants for social and physical reconstruction.

It is administered by the **Conflict Prevention and Reconstruction Unit**. In 2003 alone, \$13 million was disbursed through the Fund. The Fund accepts applications from non-governmental organisations (NGOs) and civil society groups in conflict regions, but uses World Bank country offices to assess the viability of requests. The country offices must endorse and recommend applicants to the PCF.

The World Bank's policies on gender equality state:

- Persistent gender disparities hamper economic efficiency and growth; and
- Public policy can make a difference in closing the gender gap.

The Bank's gender policy aims to reduce gender disparities and enhance women's participation in the economic development of member countries. To this end, the Bank—through its analytical work, policy advice, and lending programmes—assists member countries to:

- review and modify, as necessary, the legal and regulatory framework;
- strengthen the database for gender analysis;
- obtain necessary financing to support these policies and programs; and
- design gender-sensitive policies and programmes by:
 - identifying barriers women face;
 - assessing the costs and benefits of strategies to address these barriers;
 - ensuring effective programme implementation; and
 - establishing effective gender-disaggregated monitoring and evaluation systems.

To analyse gender issues in each country, the Bank uses country poverty and gender assessments, public expenditure reviews, other economic work, and in-country dialogue. The analysis is meant to be incorporated into the country assistance strategy and reflected in the lending programme.⁶

2. **Region-Specific Multilateral Development Banks (MDBs)** are institutions that provide financial assistance and professional advice to countries

for economic and social development regionally. The term MDB is used to refer to the World Bank Group and four regional banks:

- the **African Development Bank (AfDB)** focuses on development in Africa;
- the **Asian Development Bank (ADB)** focuses on poverty reduction in Asia and the Pacific;
- the **European Bank for Reconstruction and Development (EBRD)** invests in Eastern Europe, the Balkans and a number of states of the former Soviet Union; and
- the **Inter-American Development Bank Group (IADB)** finances development efforts in Latin America and the Caribbean.

3. **The Office for the Coordination of Humanitarian Relief (OCHA)** is the **United Nations (UN)** focal point for responding to complex emergencies and natural disasters. OCHA has a mandate to coordinate humanitarian responses, develop policies and undertake advocacy. OCHA coordinates its work through the **Inter-Agency Standing Committee (IASC)** that includes many of the UN's key agencies with humanitarian NGOs and the **International Committee of the Red Cross** movement. OCHA is not involved in day-to-day operations, but it does coordinate:

- the development of a common strategy for humanitarian aid among its partners on the ground;
- situation and needs assessments—in a crisis, OCHA's job “is to 1) identify overall humanitarian needs; 2) develop a realistic plan of action ...that avoids duplication; and 3) monitor progress and adjust programmes accordingly;”⁷
- networking and meetings among key actors so that experiences and information are shared and there is increased transparency and accountability among actors;
- mobilising resources—particularly through the Consolidated Appeals Process, which identifies priorities for funding and is a cost-effective means of reaching major donors;
- addressing problems in the midst of crisis. When other agencies or NGOs do not have a

mandate, OCHA takes the lead in resolving problems (e.g. negotiating with warring parties to provide humanitarian aid to civilians); and

- the use of tools and mechanisms to improve coordination among agencies. For example, OCHA is responsible for “early warning analysis” to track potential humanitarian crises. It uses a methodology based on early warning indicators to identify potential crises, resurgence of conflict, or deterioration of situations (see chapter on conflict prevention).⁸

4. **The UN Development Programme (UNDP)** is the prime UN agency addressing development issues, particularly focusing on democratic governance, poverty reduction, crisis prevention and recovery, sustainable energy and environment and HIV/AIDS. Given UNDP's presence in countries often before, during and after crises and conflicts, the agency's **Bureau for Conflict Prevention and Recovery** has become a lead actor in post conflict transition states. Its goal is to coordinate UN efforts on the ground and it plays a leading role in UN missions that help determine the priorities for the social and economic reconstruction of a country. UNDP is also a member of the IASC (see above).

Traditionally, UNDP has focused most of its work on partnership with national or governmental entities, but it is also a prime partner and donor to civil society organisations, including national NGOs and local community-based organisations. In **Nepal**, UNDP established a \$2.6 million trust fund, financed by external donors, to strengthen civil society organisations in their efforts to rebuild societies affected by violence.⁹

UNDP offices worldwide are led by **Resident Representatives (Res Reps)**, who are responsible for consulting with UN agencies and international actors, and working collaboratively with national government and civil society actors, in identifying development priorities and initiating, implementing and evaluating in-country programmes. UNDP is the leader in formulating the **UN Development Assistance Framework (UNDAF)** for any country. Typically this lays out policy and programme priorities for a five-year period.

UNDP's policies on gender state that: "Making gender equality a reality is a core commitment of UNDP. As a crosscutting issue, gender must be addressed in everything the organisation does. Why? Because equality between women and men is just, fair and right—it is a worthy goal in and of itself, one that lies at the heart of human development and human rights. And because gender inequality is an obstacle to progress, a roadblock on the path of human development. When development is not 'en-gendered' it is 'endangered'.... There are two complementary approaches to achieving gender equality: mainstreaming gender and promoting women's empowerment. Both are critical."¹⁰

5. **The UN Development Fund for Women (UNIFEM)** works in partnership with other UN agencies, governments and civil society, providing technical and financial assistance to promote women's rights, capacities and opportunities globally. Its primary areas of focus are:

- strengthening women's economic rights and empowerment;
- engendering governance and peacebuilding; and
- promoting women's human rights.

In the context of conflict-affected countries, UNIFEM supports women's participation in peace processes and reconstruction by providing leadership training and capacity building, facilitating contact with the international community, supporting indigenous women's peace activism and advocacy and initiating conflict early warning and prevention projects. UNIFEM has fifteen regional and sub-regional offices.

6. **UN Department of Peacekeeping Operations (DPKO)** has expanded its policies and range of expertise to match demands in a variety of areas as peacekeeping operations expand beyond military-style enforcement and into peace support efforts and even state-building. On the question of gender, since the passing of Security Council Resolution 1325 in 2000, new initiatives have been launched, including appointing full-time gender offices and advisers in missions, making efforts to integrate

gender perspectives in the disarmament and reintegration of fighters, promoting gender balance in local police forces, providing training on issues relating to domestic violence and trafficking, developing "quick impact" projects based on their differential impact on women and men and supporting the inclusion of gender-sensitive election laws and processes.

In its own organisational context, and particularly with regard to the recruitment of peacekeepers, DPKO recognises that "pursuing gender balance has the potential for greatly increasing the pool of talent. Further, gender mainstreaming can increase the understanding of a complex situation. It may lead to new assumptions and definitions. It may suggest different approaches to a desired end and it may reveal overlooked resources and talents."¹¹ It also states "the need to increase the participation of women in all aspects of peace operations and at all levels, particularly at the highest levels of decision-making, remains a priority concern."¹² However, the department places the onus for the recruitment of women on member states, noting, "the Secretary-General has called on Member States to increase the recruitment of women as military observers, peacekeeping troops and civilian police."¹³

7. **Other Agencies of the UN Family** are also involved in post conflict social and economic recovery efforts. The **International Labour Organization (ILO)**, which specialises in labour rights and the promotion of social justice and human rights, is a key actor in addressing economic and employment issues in post war countries. Working with governments, civil society and labour organisations, it provides technical assistance to improve employment opportunities and to ensure the provision of social protection for workers. The **World Food Programme (WFP)** is the leading UN agency in providing food and fighting hunger in crises and emergency situations, including conflict. It has a strong commitment to working with women, recognising that women are the "first and fastest route to reducing poverty and hunger."¹⁴ The **Food and Agricultural Organisation (FAO)** is the lead agency in ensuring food security and assisting nations in their efforts to improve nutritional standards and agricultural production.

The mandate of the **UN Children's Fund (UNICEF)** is the protection of children. In war-torn countries, UNICEF is actively involved in the reintegration of child soldiers, restoring schools and providing education (see chapter on children's security).

In principle, there is a commitment to gender equality and women's empowerment across the

UN system, with many institutions deriving their policies based on recommendations made in the **1995 Beijing Platform for Action**. In addition, there is a system-wide commitment to realising the **Millennium Development Goals (MDGs)**, which include gender equality and women's empowerment (see text box). In practice, more progress is still needed to achieve equality.

The Millennium Development Goals¹⁵

In September 2000, following extensive consultations globally, the member states of the UN gathered in New York to embrace and endorse eight Millennium Development Goals (MDGs) by 2015.

According to the **World Bank**, the MDGs commit the international community to an expanded vision of development, one that vigorously promotes human development as the key to sustaining social and economic progress in all countries, and recognises the importance of creating a global partnership for development. The goals have been commonly accepted as a framework for measuring development progress.

The eight goals are to:

- eradicate extreme poverty and hunger;
- achieve universal primary education;
- promote gender equality and empower women;
- reduce child mortality;
- improve maternal health;
- combat HIV/AIDS, malaria and other diseases;
- ensure environmental sustainability; and
- develop a global partnership for development.

Reaching these goals has become a primary objective of most bilateral and multilateral development and aid agencies. Many of the countries furthest from achieving the MDGs are those affected by conflict.

The introduction of MDGs has made it possible to restructure the relationship among donors and between donors, recipient governments and civil society. The mechanism for this is the **Poverty Reduction Strategy (PRS)** process. The PRS process is meant to be participatory, involving government, financial institutions and civil society agreeing on the priorities for poverty reduction. Civil society organisations that have monitored the PRS process so far have identified two main problems:

1. Participation has been far less than desired and the participation of women has been particularly poor in many cases. Women's organisations complained that they had often not been informed about the process and that when they were able to participate their concerns were not heard. The result is that gender issues have not been mainstreamed into the PRS process effectively.
2. The funding plan that results from the process (in the form of **Poverty Reduction Strategy Papers**) is binding and restrictive. In effect, civil society has been invited into the world of development finance decision-making, but it has also been told that once decisions are made, only projects and organisations that conform to the agreed strategies will be able to access funding.

8. **The Organisation for Economic Development and Cooperation (OECD)** also plays an influential role in conflict prevention and peacebuilding. It is comprised of 30 member states committed to democratic government and the market economy. The organisation works with over 70 countries, NGOs and civil society. It produces internationally agreed-upon instruments, recommendations and decisions to “promote rules of the game in areas where multilateral agreement is necessary for individual countries to make progress in a globalised economy.”¹⁶ The OECD’s activities include research and publication and collation and analysis of statistics on issues ranging from development assistance to education and science. The organisation is divided into a series of thematic departments, directorates and other bodies. Issues relating to cooperation with developing countries come under the auspices of the Development Cooperation Directorate that supports the work of the **Development Assistance Committee (DAC)**. DAC’s 23 members¹⁷ are all major donors that are “expected to have certain common objectives concerning the conduct of their aid programmes. To this end, guidelines are prepared for development practitioners in capitals and in the field.”¹⁸

In 1997 DAC issued its *Guidelines on Conflict, Peace and Development Co-operation on the Threshold of the 21st Century*, which set a new standard in international aid to conflict-affected states. In 2004, *Guidelines on Helping to Prevent Conflict* was published as a supplement to the 1997 work. Among the key principles noted to the development community are that they should:

- actively engage women, men and youth in peacebuilding and policy-making processes. All actors need to take better account of the pervasive linkages between gender differences and violent conflicts and their prevention and resolution;
- reinforce local capacities to influence public policy and tackle social and political exclusion.¹⁹

The OECD/DAC position on gender in development is that “progress towards gender equality and women’s empowerment is vital for improving economic, social and political

conditions in developing countries. The knowledge, insight and experience of both women and men are required if development is to be effective, sustainable and truly people-centred. Gender equality requires specific measures at the macro, meso and micro levels in order to propel gender-responsive actions into development work.”²⁰

DAC’s work on gender equality is led by **Gendernet**, an international forum of gender experts from bilateral and multilateral agencies to share experience and develop common policies and approaches. Gendernet publishes studies, guidelines, fact sheets and other material relating to gender and development broadly, including gender and conflict issues. It also conducts thematic workshops with experts from within the UN system, civil society, and governments.²¹

The documents, particularly the guidelines emerging from DAC, reflect a common set of policies and standards that DAC members must adhere to when they are involved in providing development assistance in any venue. NGOs and others advocating for gender equality in post conflict social and economic reconstruction can therefore use the guidelines to monitor and hold DAC members accountable to their commitments.

9. **Bilateral Donors**—including the United States (US), Canada, Sweden, members of the European Union (EU), Japan and many other states—provide funds through the UN and World Bank, and directly to national governments, international and national NGOs and private companies and subcontractors for reconstruction work. The level and nature of their support varies according to their history, interest and involvement with the country. In many instances, these agencies have created specialised offices to address the different phases and dimensions of conflict and post conflict recovery. The **US Agency for International Development (USAID)** primarily supports long-term development efforts in poor countries and is a major actor in the provision of emergency humanitarian assistance to war-torn countries and regions

suffering from natural disasters. It has a mandate to set “aside funds for small businesses and women-owned businesses.” However, its **Office of Transition Initiatives (OTI)** is dedicated to working in conflict prone or “immediate post conflict transition” areas, with a goal of providing flexible, short-term aid that helps bridge humanitarian assistance with long-term USAID development efforts. Similarly the primary goal of the **Department for International Development (DfID)** in the United Kingdom is to reduce poverty globally. Its **Conflict and Humanitarian Affairs Department** focuses on conflict-related issues.

As evident below, many bilateral agencies have clear policies on gender mainstreaming and women’s empowerment in their operational efforts.

Canadian International Development Agency (CIDA): “Attention to gender equality is essential to sound development practice and at the heart of economic and social progress. Development results cannot be maximised and sustained without explicit attention to the different needs and interests of women and men. If the realities and voices of half of the population are not fully recognised, CIDA’s objectives to ‘reduce poverty and to contribute to amore secure, equitable, and prosperous world’ will not be met.”²²

DfID: “There is a growing and compelling body of evidence that shows that not only do women bear the brunt of poverty, but also that women’s empowerment is a central precondition for its elimination. Women’s equality is an absolute necessity if the blight of poverty is to be removed and the nations of the world are to create a secure, sustainable, and prosperous future.... The struggle for gender equality is a key instrument for lifting hundreds of millions of people out of poverty. Beyond this, it is also a central element of the wider struggle of human rights for all.”²³

EU: “Gender equality is crucial for development in general and the link between gender and poverty has made the relevance of gender mainstreaming in development cooperation more critical than ever before...Investments in

improving the situation of women (providing education, improving health and securing their land and labour rights) translate into higher levels of productivity and lower levels of infant and female mortality, food insecurity and poverty.”²⁴

Japan International Cooperation Agency (JICA): “Aiming for women’s empowerment and gender equality in all aspects of development assistance is now seen as an imperative.... Realising women’s empowerment and gender equality does not mean only increasing the number of women-targeted projects, but also integrating the gender perspective in all the assistance which JICA implements.”²⁵

Swedish International Development Cooperation Agency: “The focus on equality between women and men within Swedish development cooperation is based on two important premises: Firstly, the long standing conviction that equality is *a matter of human rights*; and secondly the increasing recognition that equality—equal rights, opportunities and obligations for women and men—is a precondition for effective and sustainable people-centred development.”²⁶

USAID: “USAID has a special interest in the advancement of women worldwide. Women’s health, education, economic opportunity and human rights are at the core of successful, stable societies and economic growth. One of the fundamental principles of the new Department of State/USAID strategic plan is that ‘all citizens, men and women, are vital to meeting the critical challenges of today and reaching the goals of equality, peace and security’.”²⁷

- International NGOs** undertake a wide variety of activities in the post conflict reconstruction phase. On the ground, distinctions between “relief,” “development,” and “reconstruction” are not easy to make. In the same way, the distinction between “conflict” and “post conflict” phases can be artificial in practice. There are countless NGOs working internationally, regionally and nationally on post war social and economic reconstruction. For most, the range of activities they undertake must be determined by the specific context and their institutional expertise. As an example of the range of projects undertaken by international

NGOs in post conflict reconstruction, CARE/USA's programme in **Guatemala** includes projects in civil society development, village banks, education, mother and child health, democratisation, disaster protection, women's development, HIV/AIDS work with young people, as well as water and sanitation.²⁸ There are also international NGOs that focus on women's empowerment and gender equality. The US-headquartered NGO Women for Women International supports job training and income-generating projects for women in war-torn countries. Kvinna til Kvinna, a Swedish NGO, has been actively supporting women's empowerment in a variety of post conflict countries, particularly in **Bosnia and Herzegovina**.

International interventions may be direct (i.e. international agencies may themselves provide health services, reunite abducted children with their families or operate agricultural schemes) or they may be carried out through local partners. Where security cannot be guaranteed, such as **Iraq** in 2003–04 or **Afghanistan** in 2001–04, international agencies often feel obliged to withdraw their staff, while continuing to support their local partners financially and through training and joint planning. This enables the international agency to follow the situation on the ground, while carrying out international lobbying and solidarity work on behalf of their partners. This form of indirect support is also beneficial for strengthening local capacities and ownership of projects. It is also good practice for international actors to help establish systems and strategies through partnership, rather than being directly operational.

11. **National Actors** play a pivotal role in negotiating funding from the international community and setting its priorities. The main preoccupations of the state in the immediate post conflict period are likely to be military security, reconciliation, establishing political structures and integrating previously conflicting parties into national machineries. In the **Democratic Republic of the Congo**, the transitional government, established in 2003, incorporated five warring parties into the government by allocating to each a vice-presidential post, integrating rebel forces into the national army and preparing the country for

elections after two years. In **Uganda**, an education program (including building schools and training teachers) was created through the Northern Uganda Reconstruction Programme as a means of countering years of neglect that had ultimately led to the drain of young men away from school and into rebel forces.

Civil society organisations are also pivotal and often have greater capacities than state entities in the immediate aftermath of conflict. But the post conflict period does create new challenges for their relations with the state and international donors. In many war-torn countries, civil society is strong. It is the key provider of services and a major recipient of international assistance. However, in the immediate post conflict period, the focus of international donors tends to shift in support of strengthening the state's capacity to assert control and maintain authority. This can mean a direct diversion of funds from civil society to government and a marginalisation of civil society from the political arena at a time when its capacities and expertise are most needed.

12. **For-Profit Contractors**, such as major engineering and construction companies, often have a strong presence in post conflict countries, opening offices, hiring local staff and further subcontracting aspects of work to locally owned businesses. Although bilateral or multilateral development agencies have overall responsibility for reconstruction projects, the actual work is very often subcontracted to private businesses or contractors. Smaller contracting companies with expertise in specific issues such as health care and education are also present. They too offer job opportunities and collaboration with local businesses and NGOs. In many cases contractors have a specific mandate regarding the hiring of women or the support of women-run businesses and organisations.

THE PROCESS: DEFINING PRIORITIES AND ALLOCATING RESOURCES

As soon as an internationally-accepted peace agreement is signed (i.e. there is a political framework for peace) many key agencies conduct in-country **needs assessments**. The level of coordination

varies across and between institutions, but there is cooperation between UN agencies, the World Bank, and often representatives from other multilateral development banks. In **Afghanistan** in 2002, although there was no formal peace agreement between warring factions, post conflict reconstruction planning did take place. Representatives from the Asian Development Bank were members of the teams sent to the country.

The needs assessment process has not been systematic across institutions or countries and new efforts are under way to create frameworks that help international staff conduct assessments. In the UN system, following the preliminary needs assessment, UN agencies mandated with development work conduct a **Common Country Assessment (CCA)**. “The CCA is a country-based process for reviewing and analysing the national development situation and identifying key issues as a basis for advocacy, policy dialogue, and preparation for the **UNDAF**,” the UN’s five-year development assistance plan.²⁹ Donors such as USAID or DfID also conduct needs assessments and have criteria that help determine their engagement in a country.

These assessments often help determine the broad agenda and issues for discussion at international donor conferences, at which major bilateral donors pledge funds to support reconstruction based on the priorities identified in needs assessments, as well as other information, including their own mandates and issues of concern. In many cases a “**multi-donor trust fund**” is created, from which funds are then allocated to international and national actors for reconstruction efforts. The World Bank administers the fund either alone or in conjunction with other international institutions.

From the standpoint of local civil society activists, particularly women, a key goal must be to ensure consultation with the international teams so that they integrate gendered perspectives in their needs assessments, priorities and interactions with donors.

THE LESSONS AND CHALLENGES

In the aftermath of conflicts in Bosnia, Rwanda, Haiti, and East Timor, the international community—including major donor countries, the UN system, the World Bank system and the NGO

sector—has gained significant experience in post conflict reconstruction. There is growing appreciation of the need to adapt and address the requirements of each country specifically. But at the same time, there is increasing understanding that for international aid to be effective, it must be coordinated and timely—with a common acceptance of priorities.

As previously stated, post conflict reconstruction aid is a unique form of development assistance with two key objectives:³⁰

- addressing short-term needs, including humanitarian assistance, relief and other forms of post-emergency assistance; and
- repairing (or creating) the infrastructure, physical and institutional, needed to support long-term economic development.

These goals are not incompatible. Inevitably, in many cases, however, finding a balance between the short- and long-term issues and developing an effective transition process is a challenge. In most cases short-term aid is provided that helps address acute humanitarian issues such as lack of food; but international attention is typically too short, so pledges made for longer-term aid are often not realised. Moreover, studies indicate that in the first few years after war, states have little capacity to absorb funds, but this changes radically in the medium term. Clearly there is no “one size fits all” approach to post conflict reconstruction, but major international institutions do have similar approaches to defining priorities and setting strategies.

The international community is constantly trying to improve coordination and collaboration with national governments, but inevitably there is overlap, fragmentation and gaps that are not addressed. Furthermore, despite the publicity around donors’ meetings, the pledges that are made are rarely fulfilled in their entirety. Oftentimes donor countries “double-count” their support by including pre-existing contributions to the country with their “new” pledges, or including their normal funding of UN agencies as part of their pledge. In many instances, the funds are not disbursed, or they are spent on short-term needs. In **Afghanistan**, between January 2002 and March 2003, donors pledged \$2.1 billion for reconstruction;

however, only 27 percent (\$499 million) was spent on major projects. The remainder was spent on immediate humanitarian relief.³¹

Several key lessons can be drawn from past experiences:

- Before international assistance is provided, it is essential to have a political mandate or framework for reconstruction that is rooted in the resolution of the conflict and is accepted nationally and internationally.
- National governments in conflict countries need to be supported with the provision of a comprehensive budget that is public and transparent. Transparency and accountability are essential at the start of this process.
- Reconstruction programs must be developed in partnership with other donors, the national government and the people of the country and they must match the nation's aspirations.
- International actors should coordinate their efforts as much as possible (e.g. pooling resources in a common trust fund administered by a combination of national government, civil society and international representatives can be a means of reducing fragmentation and duplication). NGOs should also have access to the fund.

3. HOW DOES POST CONFLICT RECONSTRUCTION AFFECT WOMEN?

The substantial financial support, technical assistance and attention given to countries immediately post conflict are driven by a commitment to bring about major economic, and political changes that strengthen the prospects for peace. This support could and should also address historical causes for discrimination against particular sectors, including women.

The funds that pour in, the programmes and projects that are developed and the major choices that are made, from prioritising for national reconstruction to decisions relating to rebuilding schools, roads and hospitals, or providing energy, all affect women directly. If women are absent from the decision-making process and if gender perspectives are not integrated in

the assessments, planning and implementation—then there is a strong likelihood that women's needs are neglected and their capacities are overlooked. Countries emerging from war, where women often make up the majority of the population, cannot afford to ignore and marginalise their needs and skills.

Women need to be involved in discussions about reconstruction priorities in order to ensure that their voices and those of other habitually marginalised groups are heard in the planning of investments and implementation of projects. They should work with national governments and international actors to ensure that women's skills are developed, pay special attention to technical education and training in new technologies and advocate for the employment of women in major reconstruction efforts. Girls' education at primary and secondary levels must be supported and programmes initiated to enable children that missed schooling to return to their education. In places where girls were targeted during war and where many have their own children, childcare facilities and other incentives (e.g. meals, health care) should be given to enable their attendance in school.

Women's organisations can take a direct role in reconstruction efforts by bidding for contracts on physical and social reconstruction projects, as well as supporting micro-finance projects that are often targeted to women. This will benefit their members and provide the organisations themselves with the experience of interacting in a business environment, as well as ensuring that the funds reach a broad range of beneficiaries.

CHALLENGES FACING WOMEN

In areas of intense conflict and war, as state services and traditional support networks collapse, local and international NGOs take on the responsibility of caring for the vulnerable sectors of the population. Women in particular take the lead in caring for orphans, the sick and the elderly and in providing psychosocial support to the bereaved and traumatised. They also seek out economic opportunities—often under unfamiliar and insecure conditions to maintain basic levels of food, water and shelter. While the burdens are heavy, these tasks and responsibilities enhance women's skills and capacities and often mean that women are uniquely placed to engage in the reconstruction effort.

Despite this, women face an uphill struggle in accessing and benefiting from post conflict aid. On the one hand, they face constraints in their own often male-dominated societies. On the other hand, they face resistance or disinterest from international actors who control major resources, but have limited capacity, willingness or understanding to consult with women and ensure effective gender mainstreaming. The constraints on women's participation are many.³²

- Women are under-represented at decision-making levels in institutions such as ministries, local councils and international NGOs that control the most important resources.
- The localised and informal nature of many women's organisations in addition to their lack of contacts makes it difficult for women to access the funds and programmes that are developed by major international actors.
- Social sector budgets, where women are most likely to find jobs, tend to be the first to experience reduction when the economy is tight and women may be excluded through discrimination in education, training and employment practices.
- Returning male soldiers or male heads of households may compete with women for employment and control of economic resources, with women often being pushed "back to the kitchen" at the end of a war.
- In agricultural communities, women may be unable to maintain their farms because of displacement, inadequate family labour, or destruction of equipment and seeds.
- Ownership and inheritance laws that uphold rights of ownership in male family heads only, may exclude women from access to or control over credit, land and other means of production, even when the male head is absent.
- Many women who are unable to access land, or offer their labour to other farmers for wages that are small and unreliable.
- Women push against accepted norms of behaviour when they engage in illegal or socially unacceptable activities such as bar work, beer brewing or prostitution for economic survival, which may result in stigmatisation and abuse.³³

- Women may feel unable to accept formal employment because of child care and other domestic commitments.³⁴
- The sheer volume of work needed to sustain a family in reduced economic circumstances may strain women's health.
- Violence against women continues after the war in their homes. This seriously impacts their ability to participate in the public and economic spheres.

4. HOW ARE WOMEN OVERCOMING CHALLENGES?

Women's organisations can play a fundamental role in assisting women to overcome the constraints and challenges they face in attempting to access and benefit from reconstruction aid.

SHAPING PRIORITIES AND HAVING A VOICE AT DONORS' MEETINGS

Women's organisations can contact major international actors such as the World Bank and UNDP to offer information about the situation of women in their country, advocate for increased gender perspectives in their work, assist in the needs assessment process to ensure that gender issues are fully integrated and initiate consultations to define priorities and ensure that women's needs are considered.

Women's groups can also lobby for inclusion and representation at major donors' meetings. For **Afghanistan**, prior to the January 2002 international donors' meeting in Tokyo, Japan, advocacy efforts by women's rights activists from Afghanistan and elsewhere, supported by UNIFEM, led to a meeting of Afghan women's groups with donors in Europe. In Tokyo, women's rights advocates acting through the Working Group on the Rights of Afghan Women submitted a number of proposals to donors, including recommendations that aid should be conditional on the participation of women in decision-making in reconstruction; that the gendered impact of interventions be assessed; that women be the beneficiaries of 50 percent of the economic aid provided; that the Ministry of Women's Affairs be adequately resourced; and that NGOs be funded.³⁶

Conflict and the Feminisation of Poverty³⁵

Violent conflict is often said to be a trigger for the “**feminisation of poverty**,” meaning that women are increasingly found among the ranks of the poor. This happens partly because of the increasing proportion of households headed by, and dependent on, women (usually around 30–40 percent in post conflict transition societies). Female-headed households are thought to be particularly vulnerable.

One difficulty female-headed households may face is inadequate labour resources, especially in agricultural communities, because there are few adult men and the adult women are occupied with domestic work. Another is that without men they are not well linked into the networks that control marketing, supplies, community decision-making and have poor links to power structures.

Despite their vulnerability in society at large, there are also instances where members of female-headed households fare better than others, since female caregivers prioritise the family's welfare. Also depending on the cultural conditions and the extent to which war has diminished traditional male roles in the economy, women often find new public outlets for trading and other income-generating activities. In **Somaliland**, the absence of government regulation has provided opportunities for business to flourish. This has been positive for women in some ways, because they now occupy increasingly important roles in trade. But such changes are often temporary. Typically, after war, women are forced out of jobs and put under pressure to give control of resources to men.

The challenge for those wishing to support female household heads is to increase their entitlements (i.e. strengthen their position when it comes to making claims on authorities or on other members of the community). This can be done by changing legislation and policies, raising awareness among women of their rights and supporting their efforts to voice their needs. However, this is difficult to achieve when all households are likely to be unusually vulnerable and when new systems of governance and legislation are not yet in place. In these circumstances women rely more extensively on mutual support.

In post conflict **Bosnia and Herzegovina** and **Rwanda**, following advocacy efforts by international groups, specific funds (of up to \$5 million) were established under the auspices of international agencies, with the mandate to support women and promote their participation in reconstruction. In **Iraq** in 2004, US-based organisations including Women Waging Peace initiated advocacy and awareness-raising efforts that ultimately led to the allocation of \$10 million for women's empowerment from the aid package approved by the **US Congress**. In **Somaliland**, women's groups pressed for the restoration of local hospitals and educational services and sought funding for micro-credit facilities for demobilised young men.³⁷ In **Kosovo**, 22 women's organisations came together in a series of meetings to discuss women's involvement in politics and social and economic reconstruction. This was seen as a preparation for women to take part in reconstruction activities led by the **Organization for Security and Cooperation in Europe (OSCE)**. As a result, six women were appointed to the interim transitional council.³⁸

INFLUENCING NATIONAL POLICIES AND BUDGETS

In the post conflict period, as new ministries are established and national budgets created, there is an opportunity to ensure that national level policies on a range of issues are gender sensitive. One approach taken in many countries is to establish a Ministry of Women's Affairs (MOWA) with a mandate to promote women's empowerment and to work with other ministries to ensure that gender perspectives are fully integrated into their work. There is concern that such a ministry can risk marginalising women, but there are also benefits to having a ministry with a dedicated budget for women. In contrast, in **South Africa**, while there is no dedicated ministry, there is a Commission on Gender Equality set up under the Constitution that promotes gender equality, makes recommendations on legislation and monitors the country's progress toward gender equality in relation to international norms.³⁹ In addition, individual ministries, such as the Ministry of Defence, have gender focal points that promote gender equality within the institution.

Advocating for and initiating **gender budgets** is another approach to mainstreaming gendered perspectives into the national economy. Gender budgeting is an exercise in which government financial allocations are reviewed to assess whether they represent an effective use of resources to achieve gender equality. Three sorts of budget item are examined: expenditures allocated for programmes and policies with specific gender targets (such as projects designed specifically for women), expenditures that promote gender equality and those that mainstream it in other areas. For example, if the population of a country is over 60 percent female, with a majority of whom are of childbearing age, gendered health budgets could ensure that adequate funds were allocated for reproductive healthcare. Gender-budgeting exercises can be carried out internally within government, but are more effective if civil society participates.⁴⁰

Programmes such as the **Gender Responsive Budget Initiative**—led by UNIFEM, the **Commonwealth Secretariat**, and the **International Development Research Center**—have developed tools to support governments and civil society in applying gender budgeting techniques, which is practiced in an increasing number of countries.⁴¹

In **Rwanda** in the aftermath of the 1994 genocide, women organised themselves and established effective coalitions across civil society, government, and parliament to push for equality. The government created a ministry dedicated to women's empowerment and a national gender policy was drawn up in 2001. This paved the way for gender to be identified as one of three cross-cutting priorities in the poverty strategy review process. The government sponsored extensive research into different aspects of gender-based disadvantages. The findings were fed into discussions within every ministry and government department about the barriers to gender equality and how they may be overcome. As a result, the Ministry of Agriculture is committed to increasing the number of women reached by its extension programmes. The Ministry of Education aims to increase retention of girls in school. Provincial government structures are promoting the representation of women in local decision-making processes. Gender-budgeting exercises are used to train civil servants to translate policy decisions into concrete actions through resource allocation.⁴²

PROVIDING SERVICES AND SUPPORT

Another means of accessing international aid and influencing its use is to partner or subcontract with international actors and provide services and support (e.g. income-generation training, trauma counselling, sexual and reproductive health advice or legal advice and training). This support might be directed to other women. For example, the **Ugandan** organisation **People's Voice for Peace (PVP)** works with women and children who have been injured and disabled by war. PVP sets up mutual support groups, arranges training in income-generation and advocacy skills and puts its members in touch with medical and other forms of assistance.⁴³ The **Medica Women's Therapy Centre** in **Bosnia** offers a combination of medical and psychosocial care for women who have been raped and otherwise abused. In **Sudan**, the **Sudanese Women's Association of Nairobi (SWAN)** has played a key role in liaising with international donors and facilitating the transfer of funds to small and local organisations.⁴⁴

AVOIDING BACKLASH: TACTICS AND STRATEGIES FOR SUSTAINABILITY

Although it is widely argued that education, economic power and the ability to generate resources can enable women to influence political decision-making and affect social attitudes, in many cases this does not happen. Women may generate income, but they are either unaware of, or unable to affect political decision-making. Furthermore, in post conflict societies (and in developing nations) women's control of resources and their successful efforts in generating revenue can create a backlash among men in their community. If not addressed, this can result in the closure of the project. Donors and recipients of aid must ensure that, on the one hand, income-generating programmes have a distinct women's empowerment component to enable women to maintain their space and work. On the other hand, they must try to identify the potential threats and reduce the risks of a backlash against women. In **Colombia**, following years of women's involvement in economic development but limited influence in politics, women's organisations are now combining income-generating projects with training on political rights and empowerment.

In **Sudan**, women's groups and a widow's association have established catering and conference facilities to

generate income. While the ownership rests in the hands of the women, the management and staff are predominantly local men who benefit from receiving salaries. In **Afghanistan**, gender-sensitive UN personnel reached out to male tribal leaders, seeking their approval to initiate programs that would generate income for women in the villages.

5. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

1. Identify key international actors and agencies present in your country and consult with them, advocating for the inclusion of gender perspectives in their needs assessment and planning work. Drawing on their own institutional commitments and mandates on the issue.
2. Encourage your organisation to find out what strategies are being adopted by the OECD, UN family and other international organisations. Build on:
 - their policies on the inclusion of women in post conflict reconstruction;
 - the investments being made; and
 - their interaction and commitment to the inclusion of civil society.
3. Seek to engage with the donors' meeting process, working with UNIFEM and other organisations that support women's inclusion.
4. Develop proposals for programmes and projects based on your institution's strength. Identify key funders, meet with them and propose partnerships.
5. Drawing on global networks and sources on the Internet, identify international actors (NGOs, donors) that could partner with your organisation in advocating for full gender mainstreaming in reconstruction efforts.
6. Join together with other civil society organisations to conduct a needs assessment for communities that identifies priorities, existing skills and capacities and key gaps. Publish and disseminate the results widely among national and international actors.
7. Have clear objectives based on your capacities, what you can contribute and whom you should work with in order to scale up your impact. Have a strategic plan and be clear about areas that need to be strengthened, including project management, information technology, budgeting and accounting.
8. Establish a consortium or identify one organisation to be a receiver of funds and facilitator for the disbursement of small grants to local and informal groups. Ensure that the international community knows of its existence.
9. Identify the potential spoilers and others who can obstruct your efforts. Engage with them and develop tactics to gain their support.

WHERE CAN YOU FIND MORE INFORMATION?

The 2001 OECD/DAC Guidelines on Helping to Prevent Conflict, <<http://www.oecd.org/dataoecd/15/54/1886146.pdf>>.

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Gender-Related Budget Initiatives, <www.gender-budgets.org>.

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ACRONYMS

ADB	Asian Development Bank
AfDB	African Development Bank
CAS	Country Assistance Strategy
CCA	Common Country Assessment
CIDA	Canadian International Development Agency
CSIS	Center for Strategic and International Studies
DAC	Development Assistance Committee of the OECD
DfID	Department for International Development of the United Kingdom
DPKO	United Nations Department of Peacekeeping Operations
EBRD	European Bank for Reconstruction and Development
EU	European Union
FAO	Food and Agricultural Organisation
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
IADB	Inter-American Development Bank Group
IASC	Inter-Agency Standing Committee
IBRD	International Bank for Reconstruction and Development
ICSID	International Center for the Settlement of Investment Disputes
IDA	International Development Association
IFC	International Finance Corporation
JICA	Japan International Cooperation Agency
MDBs	Multilateral Development Banks
MDGs	Millennium Development Goals
NGO	Non-Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs of the United Nations
OECD	Organisation for Economic Development and Cooperation
OTI	Office of Transition Initiatives of the United States Agency for International Development
PCF	Post Conflict Fund
PRS	Poverty Reduction Strategy Process
PVP	People's Voice for Peace
SWAN	Sudanese Women's Association of Nairobi
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
US	United States
USAID	United States Agency for International Development

ENDNOTES

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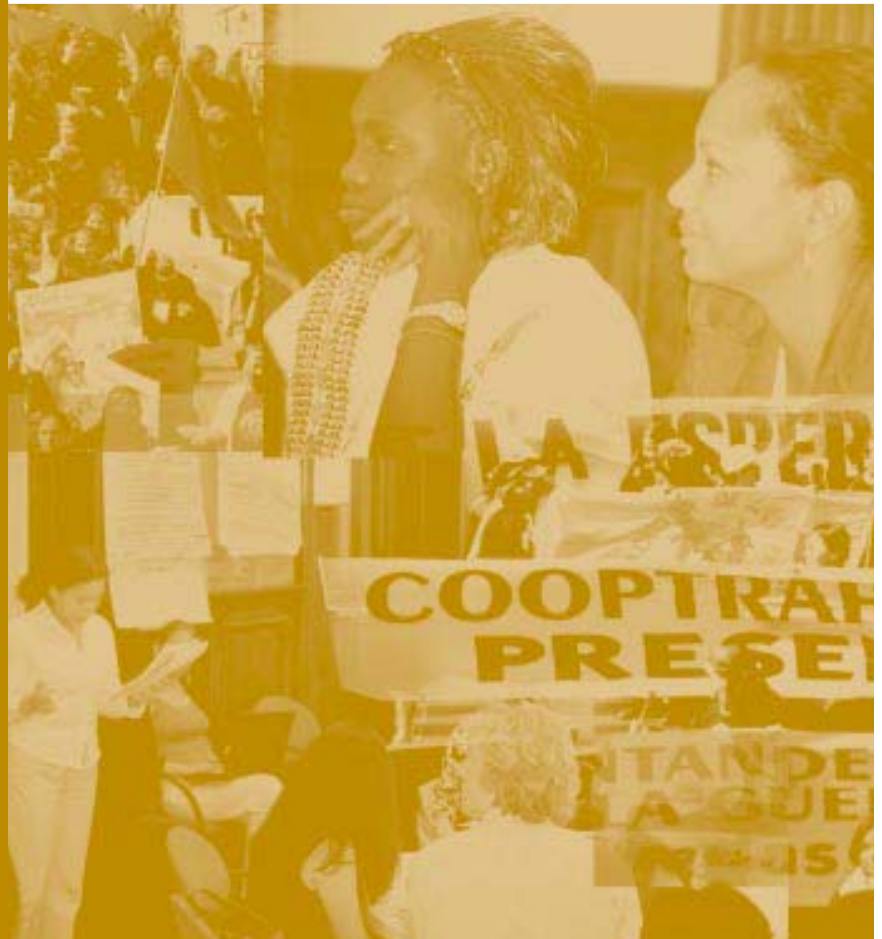
3

Security Issues

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Disarmament, Demobilisation and Reintegration

SANAM NARAGHI ANDERLINI AND CAMILLE PAMPELL CONAWAY

When violent conflict erupts, the availability and use of arms and weapons surges. Often, particularly in civil wars and internal conflicts, both combatants and civilians own and utilise weapons. Their presence in society makes peacebuilding a very difficult task, increasing the potential for a return to conflict and a high incidence of violent crime.

The question of how to disarm factions is a key consideration in official peace negotiations, along with the related issue of how to demobilise fighting units, aiding their transition to civilian life. International actors have termed the phase of the peace process that addresses these issues as **disarmament, demobilisation and reintegration (DDR)**.

In theory, these processes can be described in a rather straightforward way. In reality, the situation is much more complex, as each conflict and peace process holds distinct challenges and opportunities. This chapter attempts to define these terms and processes according to international norms, while demonstrating that women are affected differently than men and offer unique perspectives that can contribute to more successful peacebuilding.

1. WHAT IS DDR?

International policy-makers consider formal DDR to be one of the most important steps in the peace process. The World Bank has defined a successful DDR program as “the key to an effective transition from war to peace.”¹ Donors recognise that an unsuccessful DDR process can threaten the stability of a peace agreement and long-term sustainable peace.

The break up of fighting units, the disarmament and discharge of former combatants, their return to their families and reintegration into their communities is time-consuming, expensive and difficult. For purposes of explanation, the DDR process can be broken down into three separate but enormous components defined below. It is important to note, however, that DDR phases overlap and are interdependent.

Disarmament is defined by the United Nations (UN), as “...the collection of small arms and light and heavy weapons within a conflict zone.”² In general, physical disarmament occurs in assembly areas predetermined during the peace negotiations, where

fighters are gathered together in camp-like settings, weapons are confiscated, safely stored and eventually destroyed.

“**Demobilisation** is the formal disbanding of military formations and, at the individual level, is the process of releasing combatants from a mobilised state.”³ Discharge of ex-combatants often occurs over a period of time, during which they are usually transported to their homes or new districts and granted small initial reinsertion packages.

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

In some cases, the international community may refer to a fourth “R” in DDR (i.e. DDRR) representing **rehabilitation**, which encompasses difficult issues such as the need to address the psychological and emotional aspects of returning home, as well as problems that arise in relation to the wider community. Nearly all DDR programmes address rehabilitation in some form, but the most often used acronym for disarmament, demobilisation and reintegration is DDR.

2. WHO DESIGNS AND IMPLEMENTS DDR?

A DDR program is generally negotiated as part of the peace accord. National governments are usually directly involved in planning and implementing DDR programmes in partnership with international organisations and donor countries.

The UN, as a third-party intermediary, frequently oversees DDR processes. The UN has conducted programmes for DDR in countries as diverse as Bosnia, Cambodia, El Salvador and Mozambique.

In some cases, a special peacekeeping mission of the UN is responsible for disarmament and demobilisation as one of its tasks (see chapter on peace support operations). In addition, the UN Development Programme (UNDP) takes part in these initial phases, but is primarily responsible for the reintegration phase, assisting in the design of programmes and coordinating and implementing them as well.

Although the design of DDR programmes is often decided during peace negotiations and written into peace agreements, a variety of actors may provide advice during that process and can be involved with implementation. In addition to the UN, a primary actor is the World Bank, which funds and assists in the operation and evaluation of DDR programmes. Its primary tasks, as denoted by the World Bank itself, are to: (a) give policy advice, (b) lead donor coordination if requested, (c) “sensitise” stakeholders, (d) provide technical assistance and (e) mobilise and manage funds.⁴

Other donors and actors, including foreign governments, provide financial and technical

assistance, particularly with regard to DDR design and implementation. In **El Salvador**, the US Agency for International Development (USAID) was a primary actor; in that case and others, USAID may contract with international non-governmental organisations (NGOs), including for-profit contractors, to do much of the work in the field. For example, in El Salvador, one of those organisations was Creative Associates, which maintains a presence in San Salvador even today.

International NGOs, including humanitarian groups, are also involved as donors and providers of relief aid, as are various arms of the UN, including the Children’s Fund (UNICEF), the Development Fund for Women (UNIFEM) and the Office of the High Commissioner for Refugees (UNHCR). The roles of actors vary according to the needs and circumstances present in each conflict situation.

In increasing numbers, local NGOs are being consulted by international actors. Oftentimes, local, community-based NGOs may receive funding to conduct reintegration assistance and provide social services, such as skills trainings and trauma counselling. In terms of its partners, the **World Bank** notes that, “civilian-led institutions should be neutral, specialised and administratively competent.”⁵

3. HOW IS DDR CONDUCTED?

In general, the plan and design for DDR is first discussed in the actual peace accord as a product of negotiations between the disputing parties. Timelines and locations for assembly are usually laid out at that time. There must be a willingness to disarm on the part of all parties to the conflict in order for a DDR process to begin.

Assembly is the first step in the DDR process; this phase is also known as **cantonment**. Typically, in these camp areas, former fighters, or **ex-combatants** are given food, shelter, clothing, medical attention, basic education and orientation programmes. As troops begin to assemble in the designated areas, UNDP and other international actors such as the World Bank and USAID, begin

1. conducting voluntary censuses that will provide information on the former fighters for a registration database;

2. needs assessments to determine the ex-combatants' physical requirements and expectations and plans for their post war life; and
3. issuing documentation to ex-combatants that will serve as their identity papers, proof of demobilisation and eligibility for reinsertion benefits packages.

The primary objective of the assembly phase is to collect weapons and demobilise combatants to their former communities or to new areas. Thus, the above activities are often undertaken as part of physical disarmament and collection of weapons. The stockpiled weapons are generally marked, removed and destroyed. In some cases, however, this last step is not completed and problems arise as a result. In **Sierra Leone**, rebel groups repossessed weapons leftover from earlier conflicts as they renewed war in the spring of 2000.⁶

Research has found that ex-combatants are often restless during the assembly phase and, in fact, may not wish to surrender all of their weapons. In 2003 in **Burundi**, the World Bank noted: "The longer combatants stay in a cantonment site, the more likely it is that problems will arise, both in terms of the provision of assistance and security and the morale of those cantoned."⁷ Thus, an effort is made to minimise combatants' time in the camps and accomplish the above activities as quickly and thoroughly as possible. However, rushing the DDR process may have long-term consequences. If weapons are not effectively collected, a rise in small arms violence and crime can follow the war.

Demobilisation of former fighters and exit from the assembly areas often occur over a long period of time. Ex-combatants are usually transported to their home districts or to new communities. In some cases, former fighters are anxious to return to their homes, or they may fear disapproval or rejection and thus attempt to stall the process. In **Uganda** in the early 1990s, to ease this process, ex-combatants and their dependents were briefed before receiving a "settling-in-kit" of shelter, food, transport, clothing and medical care for a transition period of six months.⁸ Reinsertion assistance such as this is generally provided to former fighters in the form of cash

during the demobilisation phase—either in a "lump sum" distribution or in installments over time. In addition, basic materials are generally provided, such as agricultural supplies, food supplements, or stipends for education. In **El Salvador**, kitchen goods and materials were included in this reinsertion package.

Reintegration refers to the long-term process of re-entry into the community, building livelihoods and returning to a peacetime lifestyle. In general, modest packages of benefits are given to ex-combatants with demobilisation papers. The components of these packages may include vocational training, credit, scholarships, land distribution and employment with a new police or security force. In **Nicaragua**, reintegration programmes also included micro-enterprise management training, health exams and psychological counselling.

International actors work with NGOs to establish workshops and other skills training programmes. Credit programmes are often channelled through banks and local authorities. Scholarships are often few and are usually designated for leaders of armed movements. Land distribution is generally performed in conjunction with government offices and an overall national reconstruction plan. A new police force and a redesigned military are generally open for employment of former fighters from all sides of the conflict.

The entire environment surrounding DDR is political and fragile. There are critical periods between demobilisation and the receipt of reintegration benefits when the situation remains unstable. In addition, the reintegration stage is very sensitive and often is not completed due to problems in funding and other obstacles to implementation. Depending on the nature of the war, communities can vehemently oppose the return of fighters. It may be years before some combatants return home, as in **Rwanda**, where dramatic legal and political changes occurred while fighters were in neighbouring states. Former combatants may find their DDR packages insufficient for their living expenses, thus motivating them to join gangs and commit crimes. In sum, even when the international community deems a DDR programme "successful," the post war reality may be far less than that.

One major side effect of war that occurs in nearly every post conflict state is that of a surge in crime and other forms of violence. Small arms and light weapons (SALW) contribute to instability in the post conflict environment and are often attributed to an incomplete DDR program. In the 2004 DDR process in Liberia, 16,000 ex-combatants entered the program, but only 10,000 weapons—many in disrepair—were collected.⁹ Thus longer-term micro-disarmament projects may be needed even after the completion of formal DDR (see chapter on SALW).

Because women are disproportionately affected by violence in their homes and communities, they have mobilised in countries around the world to rid their societies of small arms. As a World Bank study reports, “poverty, coupled with the erosion of authority of traditional institutions, leads to crime and delinquency. Unemployed, demobilised young men, socialised to violence and brutality during war, are more likely to form gangs... and can pose a constant threat to the security of women and children.”¹⁰

In addition to these challenges, former combatants often pass HIV/AIDS and other sexually transmitted diseases to wives and families, and the care giving required for those combatants suffering from disabilities, psychological trauma and disease also falls to women (see chapter on HIV/AIDS).

4. WHAT IS THE IMPACT OF DDR ON WOMEN?

In general, international implementing organisations have not planned for the inclusion of women’s needs and concerns in DDR programmes. In fact, the impact of returning male fighters on women and even the existence and needs of female fighters have historically been overlooked. This neglect of the many and complex roles that women play during war and peace 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.

WOMEN AS FIGHTERS

Women fighters have made up a substantial number of combatants in recent years in such countries as Eritrea, El Salvador, Sri Lanka and Zimbabwe and have participated in many other conflicts as well.

Women ex-combatants often face gender-specific obstacles in the aftermath of war.

In some cases, such as in Sierra Leone, women have not been officially defined as fighters and therefore immediately lose access to DDR programmes, including eligibility for reinsertion benefits. In other cases, such as El Salvador, women combatants were included in the original lists of troops entering the UNDP programmes for DDR, but faced discrimination at other stages, such as access to land and credit at the local level. Yet even in that case, where women were included in the official process, the needs of women in the camps, such as the provision of basic health or sanitary facilities, were not considered. In Mozambique, where some women fighters participated in official DDR programmes, they were offered training only in traditional women’s activities, such as sewing and secretarial work. In Rwanda, the national government funded three years of vocational training for members of the first association of ex-combatant women in the Great Lakes region. The association is composed of representatives from all 12 provinces across Rwanda and all parties to the conflict.¹¹

Interestingly, in Sri Lanka there are reports that women are sometimes more respected fighters than men and enjoy a strong position as combatants. Thus, women are particularly concerned about their potentially subservient roles when the conflict ends. An important step in moving towards a peace settlement, therefore, may be that the needs and concerns of women fighters are addressed. Overall, however, there remains a lack of recognition of the particular concerns of female fighters in DDR and other post conflict plans and programs.

WOMEN AND GIRLS AS ABDUCTEES

In some cases, women, and particularly girls, are forced to become combatants. Abduction or gang pressing¹² for the purposes of enlistment in combat is practiced worldwide, but is most widespread in Africa. Often, these women and girls may be called “wives,” but in fact, they are not formally married and in many cases are abused.

Although this, too, is changing, children are seldom recognised in DDR programs, and girls are marginalised even within that category (see chapter

on children's security). Despite the fact that humanitarian aid organisations work with girl abductees, DDR programs implemented by governments and international organisations have not officially recognised these women and girls so that they might receive benefits. In **Angola**, for example, the DDR program limits assistance to the insurgent National Union for the Total Independence of Angola (UNITA) and government soldiers at the exclusion of women and girls in their camps.

It is often left to initiatives by international organisations and local NGOs to care for women and child ex-combatants. For example, in **Sudan**, UNICEF ran a program to disarm young children—many of whom had been abducted—and reintegrated them into schools. There is increasing recognition of the need to target all children with reintegration assistance. Programmes that benefit the youth in a community as a whole help reduce tensions that may arise between young civilians and their ex-combatant counterparts.

WOMEN AS SUPPORTERS

Women often play supporting roles during war, and thus they, like combatants, must return to their homes and rebuild their lives. Women and girls who have been part of armed movements, serving as cooks, radio operators, messengers, transporters of ammunitions, medical caregivers and logistical supporters are often sidelined in the post war period. The new skills and knowledge of such women are typically lost, as many return to traditional, pre-conflict roles—often referred to as a “loss of social capital.” In **El Salvador**, women represented 30 percent of all combatants in the opposition movement and participated in equal numbers in DDR.¹³ But in most cases, women returned to the traditional role of mother and wife in the home, despite acquiring new skills.

WOMEN AS FAMILY OF COMBATANTS

In many cases, women and families of fighters may have been uprooted to follow their male relatives during war. In cases where the war has been particularly lengthy and fought across a region, male fighters are often found to have two or even three wives and families. In general, as noted above, many DDR programs do not recognise the importance of including the legal or customary wives of fighters in the planning process. A World Bank report notes,

“Demobilisation and reintegration programs often treat the ex-combatant as the sole beneficiary instead of seeing the ex-combatant and his family as a beneficiary unit. Thus, the needs of families are often neglected.”¹⁴

In some cases, such as in **Burundi**, wives of government soldiers receive assistance, but wives of opposition fighters do not. In general, as benefits packages are only distributed to the individual combatant, families do not receive needed support. There is increasing dialogue in the international policy community regarding the idea of community-based DDR in which benefits are not focused solely on the combatant.

WOMEN IN COMMUNITIES

Following a return home from years of war, women and men in communities face a multitude of challenges. The tensions between families and returning ex-combatants can be extreme, and domestic violence is reported to increase in the aftermath of war. In **Rwanda**, laws regarding inheritance and other advances for women's rights have been passed while former fighters remained in neighbouring countries, creating tension in the home when a husband returns. In other instances, war changes the roles of men and women within the home and community. If women have been part of the war effort, they may face a disapproving family upon their return home, as reported in **El Salvador** and **Eritrea**, or may be less likely to accept traditional domestic roles. Women who were not participants in the war but provided for their families, as in **Guatemalan** refugee camps, have also taken on new tasks and decision-making roles—another potential source of post war tension.

Finally, there may be resentment toward male and female ex-combatants returning home with DDR benefits, while the communities—the non-combatants—receive nothing. In **Mozambique**, USAID was concerned that providing assistance to 90,000 former fighters and not to refugees and internally displaced persons would prove an obstacle to sustainable peace.¹⁵

5. HOW DO WOMEN CONTRIBUTE TO DDR?

Traditionally, women are not involved in decision-making surrounding security issues or in the design

or implementation of DDR programming. It is important for women's voices to be raised, as actions and decisions on disarmament, demobilisation and reintegration have a direct impact on their lives and on the possibilities for achieving a sustainable peace.

Women's organisations throughout the world have begun to take action at various phases of the disarmament and reintegration process, as they have seen a need for their work. The peace process itself is one of the most important points to design a strategy for disarmament and long-term peace. One of the most effective, yet difficult, means to ensure that the needs, concerns and ideas of women—combatants and non-combatants alike—are included in a DDR process is to have women included, and a gender perspective incorporated, in peace negotiations.

Even when women do not explicitly advance a gender perspective in negotiations, their mere presence can mean the difference between women's inclusion and consultation in the DDR process and complete exclusion, as shown in two contrasting cases: In **El Salvador**, women headed armed groups and participated in negotiations. In **Sierra Leone**, women fought alongside men, but were not leaders in the forces. In **El Salvador**, 30 percent of combatants disarmed were women, and most received land and other benefits.¹⁶ In **Sierra Leone**, of an estimated 12,000 girl fighters, only 500 were disarmed or had any access to reintegration benefits.¹⁷ As a result of their exclusion and with no alternative for survival, young girls—many with babies—led riots in Freetown in 2002 and are reported to have joined guerrilla fighters in Liberia.

When women are not at the peace table, they often organise and begin campaigns during the peace process and once disarmament has begun. Women often begin to raise awareness of the importance of effective disarmament for their communities through public announcements and campaigns. In **Albania**, for example, women's groups raised such awareness through local conferences and rallies. There is also a need to inform the population that, in cases where weapons collection has not been thorough, violence has recurred and crime has surged. It is particularly important for women to be involved in these programs, as they may have knowledge of arms routes and caches and may be willing to convince

their family members to turn in their weapons or participate in formal DDR (see chapter on SALW). The Mano River women, for example, exchanged information on guerrilla movements, including arms transfers, within and across borders in **Sierra Leone**, **Liberia** and **Guinea**. Their knowledge allowed them to act as facilitators of negotiations, encouraging individuals and groups to lay down their arms.

WOMEN'S CONTRIBUTIONS TO DISARMAMENT

Women's organisations have taken a variety of approaches to enhance practical disarmament.

In **Liberia** in the late 1990s, women pressed for disarmament as a precursor to elections. They advertised for women to join the movement across the country and stationed women at every arms collection point. The women encouraged fighters to hand in their weapons and offered them water and sandwiches. Estimates indicate that some 80 percent of weapons were collected in 1996 prior to the election.¹⁸ Although Liberia returned to war and another peace agreement is currently in place, women remain active on issues of DDR, pressuring Special Representative of the Secretary-General, Jacques Paul Klein, to address women's needs and concerns in the program.

In **Albania**, local women's groups worked with UNDP and UNIFEM on disarmament. First, they organised public awareness events and capacity-building workshops for women's organisations to address the specific challenges and concerns that the presence of weapons pose to women. Subsequently, through local conferences and rallies, they appealed to the public to "Stop Guns" and sponsored tapestry design competitions under the slogan "Life is better without guns."¹⁹ In towns where the project was implemented, around 6,000 weapons and 150 tons of ammunition were collected in exchange for community-based development and public works projects.²⁰ Due to the success of the program, similar projects were launched in two other Albanian districts, leading to a total of 12,000 weapons and 200 tons of ammunition destroyed.²¹

In other parts of the world, women have been active in disarmament as well. In **Bougainville**, women's organisations trained women to walk alone in the

jungle to seek out and persuade fighters to disarm. In **Mali**, women were credited with organizing the first public “burning of arms” to launch a successful weapons collection program.

WOMEN’S CONTRIBUTIONS TO REINTEGRATION

Women are particularly important during the reintegration phase. As combatants return home—both men and women—the troubles truly begin. After years of combat and trauma, it is difficult for ex-combatants to return to a “normal” lifestyle, and it is equally complicated for the receiving communities to accept the returned combatants. Women’s organisations have actively assisted men and women to make the transition from war to peace. Without an **exit strategy**—a term used in the international community to mean a plan for withdrawal from a conflict zone—women have a particularly important interest in facilitating the transition to peace.

Because women’s organisations are generally active at the community level, they are particularly aware of the needs of the community and the former fighters and have developed programs to address them. These non-governmental projects have included counselling to address trauma and psychological issues, health and medical assistance and education and skills trainings. In **Mozambique**, demobilised women and men, former soldiers and disabled veterans worked together to form ProPaz, which provides peace education in the community, conducts interventions in violent outbreaks at the local level, and promotes the reintegration of women combatants locally and nationally.²²

Some programs, such as ProPaz, may service all members of the population, but in certain cases, women have also focused on particularly vulnerable groups who have less access to benefits. In **Sierra Leone**, women worked specifically with child soldiers as a group in need of assistance and developed various projects to work with children in their post war adjustment. In **Nicaragua**, women’s organisations reached out specifically to women ex-combatants, providing them with “a safe place to exchange views, to dream, to get organised and to build confidence.”²³

6. WHAT INTERNATIONAL POLICIES EXIST?

The UN and other international organisations have begun to take steps to include women in DDR program design and implementation.

In October 2000, the UN Security Council passed **Resolution 1325** to address the issue of women, peace and security broadly and focus on DDR in particular. The resolution “encourages all those involved in the planning for disarmament, demobilisation, and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants.”²⁴ It also calls upon organisations to adopt “measures that support local women’s peace initiatives... and that involve women in all of the implementation mechanisms of the peace agreement.”²⁵ Women worldwide are encouraged to call upon organisations and agencies designing and implementing DDR programs in their countries to adhere to this international mandate to recognise and include women.

Building upon Resolution 1325, the UN **Department for Disarmament Affairs** released several briefing papers in 2001 on the importance of adopting a gender perspective when working on disarmament issues, including DDR programming. In particular, the Department notes the gender-specific impact of conflict on women, the nuances of women’s roles in war and peace and the need for a holistic approach to DDR that addresses not only combatants but also families and the community. With regard to girl combatants in particular, UNICEF now works with other UN agencies and NGOs to address the needs of children and young women in their DDR planning. Additionally, UNIFEM has launched a web portal to compile information and lessons learned with regard to women and DDR.

Traditionally, women have been considered a “special group” or “vulnerable population.” As a result of Resolution 1325 and increasing visibility of women’s peace-building activities, however, there is increasing acknowledgment that women can be a critical component of successful DDR.

The **G-8 Foreign Ministers** issued a statement on DDR at their 2002 meeting in Canada, noting,

“There is a particular need to recognise the special requirements of women and child combatants.”²⁶ And in 2002 the UN released a study by a **Group of Governmental Experts** that noted, “The successful implementation of peace agreements, including their disarmament and demobilisation provisions, requires targeting disarmament and non-proliferation education and training to the specific needs of diverse target groups...,” including civilian women and children.²⁷

Finally, the **World Bank** has conducted several recent studies that recognise that women must be consulted and involved in the DDR process as former combatants and supporters. They also note the strong capacity of women as facilitators for a peaceful transition.²⁸

While the rhetoric is strong and more research is being done to highlight women’s experiences, there are still very few examples of the successful implementation of these new recommendations.

7. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

1. Coordinate with international organisations and, when possible, with the gender advisor in the United Nations mission to ensure inclusion of women and girls in the official DDR.
2. Monitor demobilisation centres and facilities to ensure that women and girl combatants are in protected areas and that they have access to basic medical and sanitary facilities and materials.
3. Begin campaigns to:
 - raise public awareness of the importance of disarmament and reintegration;
 - prepare communities for the return of fighters; and
 - conduct a survey in the community to assess the needs of former fighters and civilians.
4. Represent the needs of the community to the local and national authorities and to the international agencies financing and implementing humanitarian and reintegration programs.
5. Reach out to all fighters:
 - informing them of the potential changes in their community;
 - addressing their expectations; and
 - noting potential difficulties they might encounter upon their return home.
6. Reach out to women fighters to:
 - raise their awareness about the needs of women in the communities as well as their own role in the peace process; and
 - encourage them to join women’s organisations and help to bridge the divide between the fighters and the community.
7. Design projects and programs for former fighters to:
 - provide community incentives to disarm; and
 - provide skills trainings, income generation, psychosocial counselling, reconciliation programmes or educational sessions.
8. Create community-based networks or centres to help family members of returning ex-combatants cope with the changes.
9. Document your reintegration programs and disseminate the information widely so that international donors are made aware of them.

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ACRONYMS

DDR	Disarmament, Demobilisation and Reintegration
NGO	Non-Governmental Organisation
SALW	Small Arms and Light Weapons
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children’s Fund
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development

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Small Arms, Light Weapons and Landmines

CAMILLE PAMPELL CONAWAY

The security environment in nearly every post conflict state is extremely fragile due in part to the continued availability of **small arms and light weapons (SALW)**. In countries as varied as El Salvador, Albania and Mali, the prevalence of SALW contributes to enormously increased crime rates, resulting in some cases with more deaths in a year of “peace” than during war. Whether used to regroup opposition forces, form gangs or commit crimes, the presence of SALW leads to continued violence and instability in post conflict societies.

In addition to SALW, landmines and unexploded ordnance pose a constant threat for years after a war. Although SALW and landmines are different issues with separate constituencies of policy-makers and practitioners, both are addressed in this chapter under the umbrella of practical disarmament. This section highlights how civil society, and women in particular, have mobilised in many communities to rid their societies of these tools of violence.

1. WHAT ARE SMALL ARMS, LIGHT WEAPONS AND LANDMINES?

Small arms refer to the weapons that a single individual can carry and operate. They may include revolvers, self-loading pistols, rifles, carbines, assault rifles, submachine guns, light machine guns and associated ammunition.

Light weapons refer to weapons that can be operated by two or three people. They may include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft and missile launchers, recoilless rifles, small mortars of less than 100mm calibre, explosives, anti-personnel mines and ammunition for all of these.

The International Red Cross defines **anti-personnel landmines** as “explosive device[s] designed to maim or kill the person who triggers it.... They go on killing and maiming soldiers and civilians, men and women, adults and children alike decades after the fighting has ended.”¹ There are approximately 300 types of anti-personnel mines in use around the world in four categories—blast, fragmentation, directional fragmentation and bounding.² They are often scattered in a certain area called a **minefield**. They can be set to explode when triggered (by heat

or movement) or can be set to explode at a pre-determined time. New technology has led to “smart mines,” designed to reduce the chances of being triggered by a civilian.³ A “self-neutralising mine,” for example, defuses itself after a pre-set time without exploding. A new type of landmine, with a computer-tracking device to make it easier to retrieve, is also in development. These “smart mines” are very expensive, however, and some armed actors opt for the cheaper “dumb mines.”

Unexploded ordnance (UXO)⁴ refers to explosives that did not detonate and therefore remain active after the end of armed conflict. UXO includes unexploded bullets, grenades, mortars, cluster bombs, rockets and air-dropped bombs. These and other weapons that fail to detonate or are abandoned pose a threat similar to that of landmines. As with anti-personnel mines, UXO must be located and destroyed, generally as part of a programme to clear landmines.

The international community makes an important distinction between legal small arms and light weapons and illegal or **illicit SALW**. Although both types of weapons are equally lethal, this distinction has allowed policy-makers to avoid dealing with a range of issues associated with the legal trade and focus efforts on their illegal trade and use.

Approximately 56 percent of SALW worldwide are in legal civilian possession, and 43 percent are legally held by state security forces (military, police, intelligence agencies). Non-governmental opposition groups illegally hold less than one percent.⁵ The legal trade in SALW is valued at approximately \$4–6 billion,⁶ of which the largest exporters are the US, Italy, Belgium, Germany, Russia, Brazil, and China.⁷ The illegal trade is estimated to be 10–20 percent of the total trade.⁸

USE OF SALW DURING CONFLICT

Small arms, light weapons and anti-personnel mines have been the primary instruments of war in recent years. The estimated number of SALW in circulation worldwide, not including landmines, is 640 million. An additional 230 million landmines are stockpiled worldwide.⁹ Their impact on civilians is severe; hundreds of thousands of people a year are killed by SALW, and millions more are injured.¹⁰ Deaths from SALW occur in armed conflict, but also in so-called “peaceful” countries.

All actors in conflict—government, military, militias, paramilitary units, armed opposition, guerrillas, and civilians—use small arms and light weapons. The Small Arms Survey notes that, “There is a growing body of evidence indicating that even a modest build-up of small arms can lead to disproportionately large increases in armed violence, conflict, and criminality.”¹¹ They continue to be used and have devastating effects on civilians for a number of reasons. SALW are:

1. Cheap and widely available—Some are newly manufactured, while others circulate from conflict to conflict or are left over from downsized militaries. Some countries, such as **Colombia**, in fact, have armed their own citizens against perceived security threats.
2. More and more deadly—In many places, automatic rifles are replacing single-action guns. These automatic weapons are often used to kill people more quickly and on a wider scale.
3. Simple and durable—They require little to no training and last for decades under almost any conditions.

4. Portable—They can be carried by an individual or a small group of people, are easily transferred, and are almost impossible to track or monitor.
5. Used by many actors—Not only the military and police, but civilians have access to SALW, including an expanding private security industry.

Landmines, too, are cheap, durable, and portable. They are often used in war deliberately against civilians—“to terrorise communities, to displace entire villages, to render fertile agricultural land unusable, and to destroy national infrastructures like roads, bridges, and water sources.”¹² They are very difficult to detect and remove following war, particularly the cheaper, older, “dumb” versions that are most likely to be used in internal conflicts. According to the 2003 Landmine Monitor Report, 82 countries are affected by landmines and unexploded ordnance.¹³

Given the combination of extreme poverty, overwhelming social wounds and struggling new governments, it is not difficult to understand how and why violence using SALW continues after war. Contributing factors to increased violence, crime, or a return to conflict include:

- lack of economic opportunities for former combatants;
- a thriving illegal market through which guns can be sold;
- poverty, economic stagnation and disease, as well as the collapse of health and education services;
- unequal access to rights and resources;
- severe damage to the social structure overall, particular family and community cohesion;
- few government programmes and funds for support;
- formation of criminal organisations that may provide some level of security and support to its members; and
- struggling police and security forces and a legal system undergoing massive change.

IMPACT OF SALW ON SUSTAINABLE PEACE

SALW affect all civilians—men, women and children. Yet the majority of SALW victims and carriers are unemployed, uneducated young men.¹⁴ In addition to killing, SALW are used to commit many other human rights violations, including rape, torture, abduction, coerced recruitment, kidnapping, theft, looting, forced displacement, forced marriage and extortion. The impact of such violence on access to infrastructure, employment, healthcare, education, social welfare and development is profound.

Impact of SALW in Medellín, Colombia¹⁵

Homicide is the number one cause of death in Medellín. Sixty-one percent of all deaths in the city are homicides, and 90 percent of them are perpetrated with small arms. In addition, there is a high incidence of rape of girls and young women. Families are displaced. Schools are often closed due to armed confrontations, and other restrictions are imposed on walking, public transportation and group activities.

Despite programmes to disarm all actors following the signing of a peace agreement, SALW continue to undermine efforts at peace and stability long after war. If not collected and destroyed, SALW may be:

- maintained by former combatants and civilians as their only source of security and income generation;
- traded internationally to other governments and/or armed insurgent groups;
- sold to organised crime and other violent groups; and/or
- hidden for future use if war begins again.

A UN report notes, “The proliferation of small arms...affects the intensity and duration of violence and encourages militancy...a vicious circle in which insecurity leads to a higher demand for weapons.”¹⁶ The rate of death by small arms may decrease only slightly following war, as compared to during the war. In fact, in some places, the casualty rate has actually increased; in El Salvador, the homicide rate

increased by 36 percent after the peace agreement was signed in 1992.¹⁷

INTERNATIONAL EFFECTS OF SALW

The effects of continued use of SALW in post conflict countries often spill across its borders. For example, after the peace agreement was signed in Mozambique, weapons used by **Mozambican** and **Angolan** rebels were smuggled back into South Africa, fuelling the rise in criminal violence there. A subsequent regional programme was launched to jointly collect arms along the border (Operation Rachel). In **El Salvador**, the armed opposition, the Farabundo Martí National Liberation Front, stored hidden caches of arms in **Nicaragua** during the peace process. When they were found, the peace process in El Salvador, as well as government relations with Nicaragua, were placed in jeopardy.

IN-COUNTRY EFFECTS OF SALW

In some cases, the continued existence of SALW may facilitate a return to war. To prevent this, the government of **Nicaragua** established a Special Disarmament Brigade to run a weapons buy-back and destruction programme to disarm combatants seen as having the potential to return to violence.¹⁸ In **Sierra Leone**, however, weapons that were collected and dismantled, but not destroyed, during a 1999–2000 disarmament, demobilisation and reintegration (DDR) process were repossessed by rebel groups as the war began anew in the spring of 2000.¹⁹

Extremely high rates of violent crime are a direct impact of the continued use of SALW in post conflict countries. In **South Africa**, 15,000 people were killed in political violence between 1990 and 1998, while 25,000 were murdered in 1998 alone; the majority of weapons used were pistols and revolvers.²⁰ In **El Salvador**, many youth have joined gangs, called *maras*, which use weapons including M-16s, AK-47s and rocket launchers. These are used to perpetrate crimes including kidnappings, robberies and street violence; in fact, minors have contributed to 70 percent of all crime in San Salvador, the capital.²¹ In **Mindanao** in the **Philippines**, 78 percent of violent deaths and injuries have been attributed to automatic weapons and handguns.²²

The presence of landmines in post conflict societies impacts the population for decades following war.²³

Their presence on agricultural land contributes to death and maiming, but also to food insecurity and malnutrition. In **Cambodia**, for example, while 85,000 families were allocated land following the peace agreement, only 2,435 were actually able to use it due to the presence of landmines.²⁴ In **Kosovo**, mines were planted near homes, and as a result 300 people were killed and injured in the summer of 1999 alone.²⁵ Mines laid along roads and railway tracks affect the resettlement of refugees, prohibit the safe delivery of food aid and inhibit transportation to jobs. Landmines may even be used as weapons following conflict, as in **Cambodia** where their availability has led to their use to protect property and even settle disputes.²⁶

Impact of SALW in “Peacetime”²⁷

“Used in almost 40 percent of all homicides, but also in assaults, threats, robberies, sexual offences and suicides, firearms are clearly a common tool for perpetrating societal violence...The impacts of gun violence, however, are not limited to fatal and non-fatal firearm injuries. A wide variety of small arm-related crimes—committed either by individuals or by the state—can threaten a community’s physical, economic, social, political, and cultural security.” By region, 36 percent of all firearm homicides and suicides occur in Latin America and the Caribbean, 18 percent in Africa, and 12 percent in North America and in Southeast Asia.

Beyond the direct effect of the violence of SALW, small arms availability and use also undermines socioeconomic development. Continued instability, in part fuelled by SALW, prohibits the rebuilding of infrastructure, trade and the renewal of large- and small-scale food production. In **East Africa**, armed confrontations are reducing future generations of livestock, even at the subsistence level. Armed blockades, banditry, informal roadblocks and raids on convoys leave civilians without food and access to jobs. National governments are then forced to direct resources toward security rather than development, and social welfare and external investment is less likely in such an environment. In **Colombia**, the economic cost of the violence is estimated to be 25 percent of the country’s gross domestic product.²⁸

SALW also affect the provision of health and education to the population following war, making it even more difficult to recover from years without these services. Long-term effects of a devastated social welfare system include years without education, higher death rates from treatable diseases and closed schools and clinics. It is estimated that in the most affected areas of the **Democratic Republic of the Congo** 68 percent of school-age children are not attending classes, and 211 of 228 schools have been destroyed.²⁹ In the aftermath of conflict, there are often few doctors and teachers who have survived the war, and reconstructing educational and health facilities is costly, particularly if armed factions continue to wreak havoc. In **Albania**, primary and secondary enrollment rates are 18 percent lower than before the 1997 crisis; youth cite the abundance of weapons and fear of armed violence as reasons they choose not to attend courses.³⁰

COMMUNITY-LEVEL EFFECTS OF SALW

Following war, communities face incredible obstacles to rehabilitation and reconciliation. The prevalence of SALW can lead to a culture of violence in the community, which “privilege[s] violent solutions to peaceful ones; in which individuals seek recourse to physical protection rather than dialogue and reconciliation.”³¹ Military leaders may be glorified, and some may carry out perceived obligations to avenge past wrongs. Relationships in the home and community are distorted, particularly as armed, traumatised former combatants, including child soldiers, return to their families. Sons no longer defer to fathers, gender relations are affected and resorting to violence can become commonplace. Respect for indigenous practices and traditional institutions also declines. Domestic violence rises. In **Sri Lanka**, there are numerous accounts of deserted soldiers returning home to inflict abuses on their wives similar to those they experienced during the war.³²

2. WHAT AND WHO IS INVOLVED IN PRACTICAL DISARMAMENT?

Practical disarmament, as defined by the UN, is “the collection, control and disposal of arms, especially small arms and light weapons, coupled with restraint over the production, procurement, and transfer of such arms, the demobilisation and reintegration of former combatants, demining and

conversion, for the maintenance and consolidation of peace and security in areas that have suffered from conflict” (see chapters on DDR and security sector reform).³³

There are three complex steps in practical disarmament, all of which must be addressed in a comprehensive programme:

1. *controlling supply* through regulation of arms transfers and enforcement of restrictions on SALW ownership and use;
2. *reducing demand* by ensuring public safety, enforcing the law, providing economic opportunities and promoting equal political participation; and
3. *recovering stocks* held by the population and destruction of those arms, as well as surplus government weapons.

CONTROLLING SUPPLY

SALW come from a variety of sources. They may be produced within a country, or they may be legally imported through government grants or sales and/or commercial sales. They may also be illegally imported through secret arms exports to governments or insurgent groups, black market arms deals or imports from allied armed insurgent groups in other states. They also may be circulated within a country or region through theft of government stocks, looting of various armed groups and exchanges between armed groups and/or the government.

It is the responsibility of national governments to control the flow and supply of SALW into and out of their countries. Governments have begun to do this by:

- developing border and customs controls to combat illicit trafficking;
- building the capacity of police;
- regulating and restricting arms flows and transfers through export criteria, regulation of brokering activities and prosecution of offenders;
- improving tracing and marking procedures to more easily track arms;
- establishing small arms registries;

- maintaining transparency in legal arms deals;
- opening a dialogue with producers and suppliers;
- developing national legislation and administrative procedures for SALW;
- harmonising and implementing such legislation across a region;
- establishing national commissions on SALW that include civil society representatives; and
- effectively enforcing restrictions on possession and use.

International and bilateral agencies often support governments in these efforts. The **United Nations Development Programme (UNDP)**, for example, provides capacity building to national agencies to control the flow and supply of illicit SALW. Governments in arms-producing and arms-exporting countries must also impose tighter regulations and enforcement to prevent illicit arms flows.

REDUCING DEMAND

There are three levels of demand: individual, collective (armed groups) and state/government. Practical disarmament addresses the demand for SALW by individuals and is possibly the most difficult component of the disarmament process. It relies on a comprehensive approach that includes establishing the rule of law, providing economic opportunities and promoting equal rights and political participation. The goal is to eliminate citizens’ perception that they need a weapon. “The demand approach seeks to change the culture of gun possession and gun violence—not an easy task unless the body implementing such policies can also decrease the insecurity that created the problem in the first place.”³⁵

Civil society is a crucial partner in this process. Mechanisms to reduce demand for SALW focus on promoting a “culture of peace” through such efforts as:

- public awareness programmes on the dangers of gun possession;
- de-glamourising child soldiers and providing alternative role models for youth; and
- peace education programmes that advocate non-violent resolution of disputes.

Most often, these efforts are combined with an official government weapons collection programme, described below.

RECOVERING STOCKS

In the context of post conflict peacebuilding, practical disarmament to collect and destroy weapons can be divided into two broad categories:

1. **Disarmament by command:**³⁶ This occurs immediately after a conflict and is generally mandated within a peace agreement. It includes:
 - DDR programmes that offer armed groups a benefits package as an incentive for them to report to authorities and disarm. In these cases, weapons are usually publicly destroyed as part of the process. “DDR considerably reduces the risk of renewed civil war as well as the possibility that former soldiers and guerrilla fighters will turn to armed banditry.”³⁷ (See chapter on DDR.)
 - SSR that downsizes the military, including numbers and types of weapons and formulates new security policies and structures (see chapter on SSR).
2. **Voluntary weapons collection:** These programmes may be operated for years following war and are not based on command, but choice. They offer penalties or rewards—“carrot and stick” tactics—to encourage armed civilians to turn in their weapons.

Voluntary weapons collection programmes are conducted in post conflict and peacetime societies from El Salvador to Mali to the US—in almost all cases, the primary goal is crime and violence prevention. They are occasionally operated by the UN or other international agencies, but are generally conducted by national and local governments, often with the support of civil society. In most cases, those turning in weapons remain anonymous and are immune from prosecution (i.e. on a “no questions asked” basis). Incentives for participation are usually offered, such as amnesty, stipends, toys or food. In addition to rewards, crackdowns may follow the programme, whereby policing is increased, weapons are seized and penalties are toughened. Voluntary

weapons collection programmes are most successful as part of a holistic, comprehensive approach to peacebuilding and disarmament. If those possessing arms are dissatisfied with reconstruction attempts, they will be less likely to disarm. Weapons collection programmes are often part of a long-term education and awareness-raising campaign.

Civil Society and SALW³⁸

“Non-governmental organizations (NGOs) are leading the charge and creating momentum on the small arms issue. They are working in post conflict societies to collect surplus weapons. NGOs are developing rehabilitation programmes for ex-combatants. In some countries, such as **South Africa**, NGOs are working directly with governments to develop laws regulating small arms.”

There are many types of weapons collection programmes including buy-backs, amnesty periods, weapons for development, lottery prizes, cash, vouchers for food and goods, scholarships, computers or radios, tools for trade and/or agriculture, housing and construction materials, infrastructure projects and public health services. The main types of voluntary weapons collection programmes include:

Buy-Back: These refer only to cases where weapons are collected in exchange for cash, often at the black market price or the average price of a legal sale. Through a public campaign, prices are established, the type of guns to be collected are announced, a time limit is set and collection points are identified.

- In **Nicaragua**, the government initiated a gun buy-back programme to encourage combatants not to re-arm. Money, food and micro-enterprise programmes were offered in exchange for weapons. From 1991 to 1993, 142,000 weapons were destroyed through the programme.³⁹
- In **Haiti**, the US Army conducted a buy-back programme as part of their stability operation in the early 1990s. The programme provided cash and a “no questions asked” policy to participants and collected 33,000 weapons in 1994 and 1995.⁴⁰

Exchange: In some cases, offering cash for programmes can actually lead to increased value and demand for weapons. In response, exchange programmes have been developed, offering goods to those who hand in weapons.

- In **El Salvador**, civil society, the business community, and the Catholic Church initiated the Goods for Guns programme that conducted 23 voluntary weapons collections projects with international, government and private funding.⁴¹ It collected 4,357 firearms—only 8 percent of the number of arms legally imported during that period.⁴² Even though it did not collect a huge number of weapons, it raised public awareness of the issue. “The several hundred national newspaper articles that have appeared over the last several years covering everything from legislative reform, public opinion and illicit arms trafficking to the impact of these on society provide evidence that collectively Salvadoran society has taken the issue to heart....”⁴³
- In **Mozambique**, the Tools for Arms programme was undertaken by the Christian Council of Churches from 1995 to 2000, collecting weapons in exchange for various tools and machinery. Many of the confiscated weapons were turned into public art and practical objects. Given a lack of will and competence on the part of the government, churches actually ran the project. It collected about 1,000 weapons per year, simultaneously conducting campaigns to advance public support for peace, at a cost of \$350,000 annually.⁴⁴

Amnesty: Some weapons collection programmes offer amnesty as the incentive to turn in weapons.

- In **Bosnia and Herzegovina**, the North Atlantic Treaty Organization’s (NATO) Stabilisation Force has conducted an ongoing weapons collection programme (Operation Harvest) that ensures anonymity and amnesty for those who turn in their guns. In 2000, 5,081 small arms were collected; 2,642 landmines were destroyed; and 2.7 million rounds of 20mm ammunition were gathered.⁴⁵

Collective Development: Sometimes called **Weapons for Development**, this type of collection programme has evolved in response to calls for incentives, such as infrastructure projects, that benefit an entire community, not just individuals with guns. This is the

new model often advocated for in post conflict countries in order to avoid rewarding individuals who took up weapons, involve those who did not bear arms and address collective demand factors.

- One of the first of these programmes was initiated by UNDP in **Albania**. The Gramsh Pilot Project was conducted from 1998 to 2000; it collected 7,000 weapons and awarded 12 development projects in one district at a cost of \$800,000. Building upon that pilot, UNDP initiated the Weapons in Exchange for Development project from 2000-2002 on a larger scale; it collected 6,000 weapons and awarded 23 projects in two districts at a cost of \$1,800,000. More recently, UNDP conducted the Weapons in Competition for Development project in all 36 districts of Albania, whereby communities competed for small infrastructure and development projects by turning in SALW. It collected 11,864 weapons from 15 districts and awarded 46 development projects in 5 districts at a cost of \$962,000.⁴⁶

International organisations that fund and support weapons collection programmes include the UN and multilateral and bilateral agencies. Within the UN, approximately 40 member countries comprise the **Group of Interested States in Practical Disarmament Measures**, mandated by the General Assembly to grant funding to practical disarmament programmes at the national and local level.⁴⁷ In addition, the UN Trust Fund for the Consolidation of Peace through Practical Disarmament Measures is administered by the **UN Department for Disarmament Affairs** to fund similar projects. UNDP has spent approximately \$10 million in disarmament efforts since 1999.⁴⁸ Finally, the Post Conflict Fund of the **World Bank** supports disarmament programmes worldwide, including demining.⁴⁹

In many cases, international organisations, national and local governments and civil society groups partner to make weapons collection programmes successful. In **Macedonia**, the parliament established an agency to run the programme and with the assistance of civil society, the government began a countrywide public awareness campaign regarding the programme itself as well as the problems related to SALW. Local and national government leaders oversaw the turn-in at collection points, and UNDP offered

lottery tickets to each participant to win a car, television, household goods, textbooks and scholarships. Nearly 6,000 weapons were collected over 45 days.⁵⁰

There are numerous challenges associated with weapons collection programmes. Policy-makers and practitioners have identified several important lessons:⁵¹

- **Prior assessment**—It is important to know the starting point (number of weapons in existence) so that impact can be measured.
- **Coherence**—Parties involved often have varying priorities, objectives, process plans and target actors for programmes, which can create more problems than are solved. It is important to clearly define objectives and maintain transparency throughout the process.
- **Incentives and Sanctions**—Whether to provide incentives or penalties—and which ones—can be a major stumbling block. Particularly controversial is the concern that offering rewards for arms may actually increase their value and demand, causing a host of other problems.
- **Combination with other efforts**—An effective weapons collection programme must be conducted within a comprehensive peace and stability framework.

Strengths and Weaknesses in Weapons Collection Programmes

“Experience tells us that weapons collection programmes suffer from two critical weaknesses: they do not effectively disarm criminals, nor do they significantly reduce the number of weapons in a specific area...[However,] they aim to influence a change in culture and attitudes towards the role of guns in society...Collection programmes can consolidate relationships between civil society groups and create a model for collaboration in the future...[and they] can effectively support, reinforce, or trigger additional initiatives aimed at improving human security and development in general.” —United Nations Development Programme, 2002⁵²

The success or failure of weapons collection programmes can be measured qualitatively and quantitatively. General indicators of a successful programme include less violence, fewer visible guns, greater freedom of movement, new development projects and a growth in civil society organisations. Quantitative indicators include a reduction in crime as reflected in statistics, an increase in the price of a weapon (indicating fewer in circulation) and “recovery statistics” (a percentage that equals the quantity of weapons recovered divided by the estimated number of weapons in the community).⁵³

MINE ACTION

The destruction of landmines is possibly the most well-known and well-supported form of practical disarmament. Because of the cost in human life, decreased access to land for food production and the impact on infrastructure, the international community has been more willing to recognise the problem and fund solutions. However, for a variety of reasons, landmine clearance is an ongoing, very slow and expensive process.

Mine action includes mine clearance; mine awareness programmes for civilians; rehabilitation services to victims; advocacy; and destruction of stockpiles by national governments as required by international treaties.⁵⁴ A directory of international standards for all aspects of mine action, compiled by the **UN Mine Action Service**, is available at www.mineactionstandards.org.

Mine clearance: Also known as **demining**, there are two major types of mine clearance:

1. **military**—when mines are removed during war as part of military tactics; and
2. **humanitarian**—when mines are removed in the post conflict environment as a strategy to protect civilians.

Demining is an expensive and very slow process; it takes 100 times longer to remove a mine than it does to place one and costs up to \$1,000 to remove a mine that costs as little as \$3 to make.⁵⁵ There are several steps involved in humanitarian demining, which is nearly always conducted by trained personnel with appropriate equipment.

- **Surveying, mapping and marking:** This includes identification of mined areas through “Level One” surveys, information gathering and interviews. “Level Two” technical surveys are then conducted to focus on the mined areas. “Level Three” surveys determine the highest priority areas to begin demining and marking other mined areas.
- **Ground preparation:** In some cases, vegetation and growth must be cut back—very slowly and carefully—in advance of demining.
- **Manual and mechanical clearance:** In pairs of two, manual deminers use hand-held metal detectors, probes and dogs to locate mines. Sometimes mechanical mining devices can be used, but manual work is always required.
- **Deactivation and removal:** In some cases, it is recommended that mines be moved to another location to be deactivated.
- **Destruction:** Most often, mines are destroyed with a small explosive when and where they are found.

Many different actors are involved in demining, including international humanitarian organisations, the UN, bilateral agencies, national governments and civil society. The UN provides support to demining through the **Department of Peacekeeping Operations (DPKO)** and the **Office for the Coordination of Humanitarian Affairs (OCHA)**, which includes a Voluntary Trust Fund for Assistance in Mine Clearance. In **Afghanistan**, the United States provided \$3.2 million to the NGO Halo Trust in 2002 alone, which employs 1,200 Afghan mine clearance specialists.⁵⁶ In **Cambodia**, the UN mission and the government created the Cambodian Mine Action Centre (CMAC) in 1992 with support from UNDP; as of 1998, it employed 3,000 staff with demining platoons comprising the largest share of staff. As of 2003, CMAC had destroyed 181,659 anti-personnel mines, 750,887 unexploded ordnance and 273,732,034 fragments of weapons.⁵⁷ In **Sri Lanka**, supported by UNDP, the government has conducted mine clearance programmes jointly with the armed opposition Liberation Tigers of Tamil Eelam in conflict-affected areas.

Increasingly, efforts are being made to involve the local community in gathering information about mined areas and determining their priorities for mine clearance and action.⁵⁸ For example, the **Mine**

Advisory Group meets with community leaders—men, women, and children—as a first step in their demining process. In **Angola**, local personnel were recruited and trained, and a community liaison officer was appointed to keep the communication channels open with the population.

Mine Awareness, also called **mine-risk education**: The goal of these programmes is to reduce the risk of civilian injury by landmines through awareness-raising campaigns, education and training, usually at the local level. International NGOs, the UN and national governments often partner to carry out these programmes. For example, in 2004, the **UN Children’s Fund**, the **UN High Commissioner for Human Rights**, the **Zambian** government and the **Zambia Anti-Personnel Mine Action Centre** partnered to provide mine-risk education programmes in six refugee camps for Angolan refugees and Zambians alike; they included participatory activities, teaching materials and one-on-one education.

Victims’ Assistance: An estimated 15,000 to 20,000 people are killed or injured by landmines annually.⁵⁹ The UN has developed guidelines for victim assistance programmes and publishes the **Landmine Survivors and Victim Assistance Newsletter** three times each year. With support from the UN and others, a variety of international humanitarian organisations are devoted to assisting disabled victims. The **Landmine Survivors Network** employs community outreach workers—victims themselves—to empower and support landmine victims. **Save the Children** runs the **Social Reintegration Project** in **Afghanistan** to provide long-term assistance to child victims and their families. The **US Agency for International Development** has established the **Leahy War Victims Fund** to provide prosthetics, wheelchairs and other necessities for those disabled by landmines; NGOs and government agencies can apply for grants from the Fund.⁶⁰

Stockpile Destruction: Since the **Ottawa Convention**,⁶¹ the international treaty mandating the destruction of landmine fields and stockpiles, took effect in 1999, the number of landmine producers has decreased from 54 to 16.⁶² As of July 2004, 143 states were parties to the treaty.⁶³ Of those, 68 had completely destroyed their stocks, and 48 more officially

declared they had no more stocks.⁶⁴ In addition, 37 states have enacted legislation to implement the treaty within their countries, and 26 more are in the process of passing legislation.⁶⁵

Militaries are usually responsible for the destruction of stockpiled landmines, and international organisations support the efforts of national governments in a variety of ways. In fact, Article 6 of the Ottawa Convention states that countries in need of financial assistance for stockpile destruction can appeal to other state parties. In addition, other support is available to governments, such as UNDP regional training workshops to build the capacity of national mine action programmes. The World Bank, in **Sri Lanka** for example, funds mine action capacity-building programmes for the government at national and district levels.

3. WHY SHOULD WOMEN BE INVOLVED IN PRACTICAL DISARMAMENT?

Quite simply, practical disarmament must involve women because they are impacted by SALW on a daily basis and are stakeholders in peace and stability.

WOMEN AS COMBATANTS

As combatants, women are known to carry weapons, including SALW. They have been involved in violent conflict in countries ranging from El Salvador to the Sudan. Often excluded from formal DDR programmes, women and girls may continue to harbour weapons in the post conflict period. Thus, they may participate in weapons collection programmes and other forms of practical disarmament, turning over their weapons to authorities for destruction.

WOMEN AS ARMS SUPPLIERS

In some countries, women may participate in the smuggling and hiding of illegal arms whether through coercion, for money or other rewards or as part of their activities as supporters of a given side in the conflict. Women are often less suspect, so may be used in this way. In **Kuwait**, during the Iraq invasion in the early 1990s, women carried weapons for the resistance fighters under their traditional clothing. Insurgents in **Bangladesh** have used young girls to

smuggle weapons through coercion or for payment. Women may also collect arms informally, holding them for safekeeping until the war is over. In the **Central African Republic**, women often served as “gun collectors” following the flight of mutineers, later turning them in to the UNDP voluntary weapons collection programme in exchange for vocational training. Following war, women may continue to have information on the location of arms caches and routes.

WOMEN AS VICTIMS

Women are victimised by legal and illicit SALW in conflict-ridden areas and “peaceful” societies, and are much less likely to be gun owners than men. During war, guns may be used to kill, but also to facilitate other forms of abuse, including gender-based violence, which disproportionately affects women. Following war, the presence of guns in the home often contributes to more severe forms of domestic violence. In fact, women often view a gun in the home as a risk, rather than a form of protection, an outlook more common among men.

Landmines also continue to affect women following war. Given the division of labour between the sexes, women may be particularly affected by landmines if their tasks include gathering firewood or water, for example, while men may be more affected while walking to jobs along public roads.

If disabled, women may face more difficulty at home and in public than men. Disabled women and girls are often considered a burden by their families, and may encounter cultural, religious or economic obstacles to medical assistance. Disabled women may be faced with divorce and the responsibility for children. The unemployment rate for disabled women in developing countries is nearly 100 percent.⁶⁶

WOMEN AS CARETAKERS

When SALW continue to circulate following war, family and community members may fall victim to gun violence or to landmine explosions. In **Angola**, there are an estimated 10 million landmines and 70,000 amputees, including 8,000 children.⁶⁷ In many cases, it is women who must bear the additional burden of caring for the sick and disabled.

Why Women Work for Disarmament

“Indeed, women are often to be found at the origin of initiatives for reconciliation, mediation and conflict resolution, even if they do not show up at the negotiation table. In peace negotiations, as in declarations of war, men are more numerous than women. This is where the link between women as builders of peace and the struggle against small arms becomes evident. These so-called light weapons have killed more than 4 million people in the last ten years. They have become the instrument of choice in most armed conflicts, and the UN Secretary General has rightly described them as weapons of mass destruction. After wars, they are the tools of banditry, crime and conjugal violence. Hence, women can no longer limit themselves to repairing the damage caused by conflict, as in humanitarian action, demobilisation and reintegration. Today they are obliged to wage an additional battle, the one to eliminate light weapons.” —Christiane Agboton-Johnson, President, Mouvement contre les Armes Légères en Afrique de l’Ouest.⁶⁸

4. HOW DO WOMEN CONTRIBUTE TO PRACTICAL DISARMAMENT?

Women have individually and collectively used a variety of approaches to enhance practical disarmament, making their homes and communities safer.

WOMEN AS ADVOCATES

At the international and regional levels, in post conflict and peacetime societies, women have been the primary voices for eliminating SALW, including landmines. They have lobbied for international and national mechanisms to end the proliferation of SALW.

- The **Women’s Network of the International Action Network on Small Arms (IANSA)** coordinates organisations that work on issues concerning women and gun violence to promote their participation in international efforts and legislation to combat SALW.⁶⁹ In addition, women fill the majority of positions in the IANSA Secretariat and on the board.
- In 1997, the Nobel Peace Prize was awarded to Jody Williams, then coordinator of the **International Campaign to Ban Landmines**, whose global advocacy and efforts were credited with the adoption of the Ottawa Convention.
- In 1999, women from **Sierra Leone, Liberia and Guinea** attended a civil society meeting convened by the **Economic Community of West African States** to discuss the recent arms moratorium.⁷⁰ They formally submitted the **Bamako Declaration for Peace by the Women of West African Civil**

Society in which the women “...firmly reaffirm our resolve to contribute to efforts to combat the illicit and controlled possession of small arms and light weapons....”⁷¹

At the national level, women also advocate for legislation and enforcement of laws to end the proliferation of SALW.

- **Maendeleo Ya Wanawake**, the largest **Kenyan** women’s organisation with over one million members, lobbies for international and national legislation to eliminate SALW as part of their campaign to protect their communities from cross-border cattle raids and increased urban violence.
- **Gun-Free South Africa**, a women-led initiative, raises awareness of SALW, enhances public debate and lobbies for change in the country’s policies. In response, the parliament passed the **Firearms Control Act** in 2000 that imposes stricter controls and regulation.
- In the **Democratic Republic of the Congo**, women have demanded disarmament as a necessary first step in the peace process.
- The **Ban Landmines Campaign/Nepal** is operated from within the **Women’s Development Society** and therefore takes a gendered approach to its programmes, including lobbying and advocacy. Since March 2003, they have pushed for inclusion of a ban on landmines in the ceasefire code of conduct between the government and Communist armed groups.

WOMEN AS WEAPONS COLLECTORS

Increasingly, women are playing important roles in weapons collection. Whether informally or in partnership with international organisations and government, their knowledge of the location of arms, the pressure they can put on their families and communities and their organising skills have led to increased involvement in providing security through disarmament.

- In the late 1990s, the **Liberian Women's Initiative** pressed for disarmament as a precursor to elections. They advertised for women to join the movement across the country and stationed women at every arms collection point. The women encouraged the fighters to hand in their weapons and offered them water and sandwiches. Estimates indicate that some 80 percent of weapons were collected in 1996 prior to the election.⁷² Although Liberia returned to war and another peace agreement is currently in place, women remain active on issues of DDR, pressuring the Special Representative of the Secretary-General to include women's needs and concerns in the programme.
- In **Bougainville**, women's organisations have trained women to walk alone in the jungle to seek out and persuade fighters to disarm. Similarly, in the highlands of **Papua New Guinea**, women have informally intervened in tribal disputes, offering gifts of money, cigarettes and soft drinks to successfully induce fighters to lay down their arms.
- In **Albania**, local women's groups, supported by UNIFEM, played an important role in the UNDP collective collection programmes discussed above. They organised public awareness events and capacity-building workshops for women's organisations to address the specific challenges and concerns that the presence of weapons poses to women. Subsequently, through local conferences and rallies, they raised public awareness of the importance and need for the initiative, encouraging many to hand over their arms.
- In **Mali**, women were credited for organising the first public burning of arms to launch a successful UNDP weapons collection programme. The arms were burned on March 27, 1996, in Timbuktu in a public ceremony called the Flame of Peace. "The Flame of Peace was a powerful symbol of national

reconciliation. It also highlighted the problems created by the proliferation of small arms and gave rise to several community-based micro-disarmament projects. Finally, it inspired disarmament initiatives in the region, such as the West African Moratorium on Small Arms of 1998."⁷³ An annual nationwide celebration continues to mark the important event and the ongoing policy against SALW in Mali.

WOMEN AS DEMINERS

Given the extent to which women—and their children and families—are affected by landmines, it is not surprising that women have shown initiative in mine clearance. In some cases, however, they are not properly trained and are operating informally, at great personal risk. In other cases, women are part of trained demining teams.

- In 1999, a team of ethnic Albanian women in **Kosovo** underwent five weeks of training in mine clearance provided by Norwegian People's Aid, where childcare was provided. They received protective clothing and appropriate equipment and were paid a monthly salary. The project director noted "the patience and commitment of the women make some of them much better than men at clearing mines."⁷⁴
- In 1996, the Mines Advisory Group began hiring and training women deminers. An all-female mine action team in **Cambodia** provides "a model for the whole of Cambodian society, empowering the women and encouraging strong bonds between them."⁷⁵ A mobile team, the women range in age from 22 to 45 and earn incomes that allow them to support their extended families.
- The first **Sri Lankan** woman deminer graduated from a training course in 2002 and joined a formerly all-male demining team of the Sri Lankan National Mine Action Office.⁷⁶
- In **Afghanistan** in 2001, two women in a rural village began to collect and detonate US cluster bombs—the most dangerous form of unexploded ordnance—following the death of two children. They collected 60 to 70 cluster bombs closest to the village and detonated them nearby at night.⁷⁷

WOMEN AS LINKS TO THE COMMUNITY

There are three important ways that women contribute

to practical disarmament through their role in the home and the community.

1. *Women know the situation, the needs and the concerns of the community and are willing to work with officials to create long-term solutions for stability.*

Women often have important information on numbers and types of weapons within a community and the attitudes toward them. They sometimes know the location of arms caches and routes at the local level, and they are aware of traditions regarding weapons use. They may choose to secretly turn in their family members' weapons, as has been documented in countries as diverse as **Cambodia** and the **Central African Republic**. Women also know the needs of the community and can help determine which type of weapons collection programme would be most appropriate, whom it should be targeted to reach, when it should be conducted and how information about it should be disseminated. Women can also identify mined areas that others might neglect.

- The Mano River Women exchanged information on guerrilla movements, including arms transfers, within and across the borders of **Sierra Leone**, **Liberia** and **Guinea**. Their knowledge allowed them to act as facilitators of negotiations, encouraging individuals and groups to lay down their arms.
- In **Yemen**, male deminers are customarily only allowed to talk to men in the community, which has led to little and often incorrect information, as women are responsible for agricultural production. When female officials from the US embassy spoke to women in the communities, many additional landmines were cleared.⁷⁸

2. *Women informally work for security in the home and community.*

Women often have important influence in the home and community. In many countries, they exert "moral authority" as mothers to encourage their children and families to turn in their weapons. They are most likely to pass on relevant information on the dangers of SALW, especially landmines, to their children and families.

- In **Cambodia**, women raise awareness about the effects of gun violence over the dinner table, noting news stories they have heard about accidents or laws regarding weapons. They also advise their relatives of non-violent ways to resolve disputes.
- There are numerous accounts of women in the Mano River region of **Sierra Leone**, **Liberia** and **Guinea** encouraging their family members and friends to turn in their weapons. Their strategies were effective not only with their relatives, but with rebels and child soldiers they sought out to persuade to disarm.
- **Sudanese** women have noted that, once they joined together as women, they were better able to persuade male leaders. Organisations such as the Sudanese Women's Voice for Peace continue to work against the effects of SALW.
- Operation Harvest in **Bosnia and Herzegovina**, discussed above, deliberately demonstrated the negative impact of SALW on women as part of their public campaign. Major Jeffrey White of NATO noted that this tactic "resonate[d] very powerfully with women and...even with many men. I would say it is demonstrably the best approach overall to these types of efforts."⁷⁹

Women also rehabilitate victims of SALW, individually in their homes and as social workers and nurses. They bring victims to the hospital, notify relatives, provide financial support and assist in finding legal restitution. When women themselves are victimised, they need targeted attention for their specific problems.

3. *Women formally work for security in the home and community.*

Women's organisations are active in concrete ways to mitigate the effects of SALW on their communities. They intervene in violent disputes, participate in community forums to provide input into programmes, raise awareness of the violent effects of SALW, educate and train youth and community leaders in non-violent conflict resolution and create buy-in within the community for weapons collection.

- In **Cambodia**, women have physically intervened in local disputes involving weapons. To provide security, they organise night patrols, gather to protest, and notify local authorities.

- In **Bougainville**, the Leitana Nehan Women’s Development Agency provides sewing machines to communities that turn in weapons.⁸⁰ This generates income to reduce the need for armed crime and reduces the community’s dependence on the production and sale of alcohol as their sole source of income. Alcohol contributes to a very high rate of domestic violence in the country. The innovative strategy of this women’s organisation tackles two important problems simultaneously.
- In **Angola**, the Mines Advisory Group holds women-only meetings to ensure women’s priorities for mine clearance are heard.
- A women’s organisation in the **Democratic Republic of the Congo**, Collectif des Femmes Actrices du Développement et de Défense des Droits de L’Enfant, Femmes et Mères d’Afrique, runs a sensitisation programme for provincial and district-level leaders on the dangers related to landmines. In 2004, they aim to train and distribute materials to 180 community development specialists.⁸¹
- Women in **Cambodia** are primary participants in weapons collection; at a recent public burning of weapons ceremony, 90 percent of participants were women and children.⁸²

In some cases, women have received local training and other forms of formal education from the government or NGOs. In many cases “women who are very actively involved in micro-disarmament action and awareness-raising simply rely on their common sense, their innate intelligence, their customs and traditional forms of conflict management.”⁸³ The female head of the **Movement Against Light Weapons in West Africa** designed a training proposal for women to take action more formally on SALW, and a woman within the UN Department for Disarmament Affairs was actively proposing a similar project at the time of publication.

5. WHAT INTERNATIONAL POLICIES EXIST?

A global movement involving governments, the UN, international organisations, and 1,400 NGOs led to the 1999 adoption of the **Ottawa Convention**,⁸⁴ also known as the **Antipersonnel Mine Ban Convention**

and officially as the **Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and Their Destruction**.⁸⁵ It mandates that all state parties destroy their stockpiles of landmines within four years and clear all landmine fields within ten years. It also requires governments, when possible, to provide assistance to mine clearance efforts, mine awareness, stockpile destruction and victim rehabilitation. Governments issue annual, public reports, known as “Article 7 Reports” to the Secretary-General on their national legislation, stockpile numbers and progress in mine action.⁸⁶

The Ottawa Convention, like other international treaties, is designed for the engagement and signature of states only. It does not contain any provisions dealing with non-state actors, nor does it provide them with the possibility to express adherence. After significant advocacy efforts by organisations such as Geneva Call, as of 2004, 26 non-state armed groups had agreed to a total ban on landmine use.⁸⁷

An earlier, alternate landmines treaty that some governments choose to adhere to because of its weaker language is the **Convention on Certain Conventional Weapons**. Officially known as the **Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Excessively Injurious or to Have Indiscriminate Effects**, it was open for signature in 1981, and its protocols prohibit the use of mines against civilians in war and internal conflict.⁸⁸ Neither landmine treaty mentions gender or women. But the 1995 **Beijing Platform for Action** explicitly recognised that women suffer from landmines and urged governments to take humanitarian mine action. The UN Mine Action Service is coordinating **Guidelines for Integrating Gender into Mine Action Programmes** that are scheduled for release in 2004.⁸⁹

In October 2000, the UN Security Council passed Resolution 1325 to address the issue of women, peace and security broadly and also focus on disarmament in particular. The resolution “encourages all those involved in the planning for disarmament, demobilisation, and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants.”⁹⁰ It also calls upon organisations to adopt, “measures that support local women’s peace

initiatives... and that involve women in all of the implementation mechanisms of the peace agreement.” This international law can be an important advocacy tool to ensure women’s participation in practical disarmament initiatives.

Early efforts to forge international policy on SALW include a series of UN General Assembly resolutions⁹¹ and the 1997 Secretary-General’s report on practical disarmament.⁹² In 2001, the **Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition**, also called the **Firearms Protocol**, was adopted as a supplement to the UN Convention against Transnational Organised Crime. As the first legally binding international convention on SALW, it provided a system of government authorisation for marking weapons at the point of manufacture, import and transfer.

Momentum continued to build on the small arms issue until the July 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Civil society was a primary participant in documenting and identifying critical issues for the conference agenda, and more than 40 NGOs addressed the conference at a special session.⁹³ Their role was acknowledged in the **Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (also known as the PoA)**.⁹⁴ Although the PoA is incomplete and non-binding, it is now the most useful advocacy tool on SALW issues.

States that are signatories to the PoA have committed to a variety of activities, including the destruction of surplus weapons stock, DDR programmes, the encouragement of arms moratoria, maintenance of adequate records of gun manufacturers and owners and the inclusion of civil society organisations in efforts to prevent small arms proliferation. The document lacks references to women or gender, with one exception in the preamble, noting the “...devastating consequences [of SALW] on children, many of whom are victims of armed conflict or are forced to become child soldiers, as well as the negative impact on women and the elderly....”⁹⁵

The content of the PoA was debated extensively before its adoption. Some states, such as **Norway** and the **Netherlands**, continue to build upon the PoA’s

foundation to advocate internationally for more aggressive restrictions, including regulation of arms brokers and the marking and tracing of weapons, which may eventually lead to binding instruments. Civil society groups are also working to extend existing commitments. **IANSA**, **Amnesty International** and **Oxfam** have launched the **Control Arms** initiative, which promotes an instrument called the **Arms Trade Treaty** to prevent arms transfers to states with poor human rights records. **International Alert** is currently working in partnership with the **UN Department for Disarmament Affairs** to establish priorities for women’s needs and concerns to be integrated into the revisions of the PoA in 2006.

The UN held its **Biennial Meeting of States on Small Arms** in July 2003, to follow up on the 2001 UN Small Arms Conference. This meeting was held to assess the national, regional and global implementation of the PoA.⁹⁶ Civil society again played a very active role in proceedings, with NGOs reporting from countries as varied as Armenia, Costa Rica, Kenya and Sri Lanka. The second Biennial Meeting is planned for July 2005, and the UN Review conference—the final meeting to measure the PoA’s effectiveness and to initiate any further UN action on SALW—will occur in July 2006. Civil society and women’s groups in particular are encouraged to participate.⁹⁷

Regionally, various policies have been put in place to control the proliferation of SALW. In 1997, the **Organization of American States** adopted controls on the manufacturing and transfer of small arms,⁹⁸ followed by several subregional agreements including the **Antigua Declaration**⁹⁹ in 2000 in Central America and the **Andean Plan**¹⁰⁰ in 2003. The **European Union** adopted a Code of Conduct in 1998 that restricts arms deals, including landmines, to conflict areas.¹⁰¹ In 2000, the **Organization of African Unity** adopted the **Bamako Declaration**, which provides a common agenda for the continent to combat the proliferation and circulation of SALW.¹⁰² Subregional mechanisms include the 1998 **Economic Community of West African States Moratorium**,¹⁰³ the 2001 **Southern African Development Community Protocol**¹⁰⁴ and the 2004 **Nairobi Protocol**¹⁰⁵ for the Great Lakes and the Horn of Africa. In 2000, police from all Pacific Island states signed the **Nadi Framework**, which provides a legal framework for a common approach to weapons control.¹⁰⁶

If the mention of women appears anywhere in these regional declarations, it is solely in reference to their victimisation. Much more must be done internationally to increase awareness of the ways in which women contribute to practical disarmament and to ensure their participation.

6. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

1. Educate family members of the dangers of SALW, including landmines, and urge them to turn in their weapons.
2. Begin campaigns to raise public awareness of the importance of disarmament and participate in all formal weapons collection efforts.
3. Initiate and/or participate in community forums to ensure that local leaders, representatives of international organisations and others preparing for practical disarmament hear your views and perspectives.
4. Lobby national governments to sign important international treaties on SALW, including landmines, and to implement the requirements of those treaties.
5. Design innovative projects and programmes that provide community incentives for former combatants and women fighters, in particular, to disarm; promote awareness of the dangers of SALW; deliver aid and assistance to victims.
6. When involved in weapons collection and mine clearance, work with trained partners and experts to ensure your safety.
7. Join together with other women's organisations to draw on each other's strengths, exchange ideas, coordinate efforts and enable your projects to be most effective. Consider connecting with the Women's Network of the International Action Network on Small Arms (IANSA) as part of this effort.
8. Make your presence and activities known to government authorities and international agencies involved in disarmament; in many cases, they are anxious to partner with local organisations.
9. Seek out funding sources, particularly for landmine victim assistance, as there are many international groups dedicated to supporting efforts in this area.
10. Connect with international organisations including the UN, development agencies and civil society that focus on SALW that might provide training, materials and programme models.

WHERE CAN YOU FIND MORE INFORMATION?

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ACRONYMS

CMAC	Cambodian Mine Action Centre
DDR	Disarmament, Demobilisation and Reintegration
IANSA	International Action Network on Small Arms
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organisation
PoA	Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
SALW	Small Arms and Light Weapons
SSR	Security Sector Reform
UN	United Nations
UNDP	United Nations Development Programme
UXO	Unexploded Ordnance

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Security Sector Reform

SANAM NARAGHI ANDERLINI AND CAMILLE PAMPELL CONAWAY

In many conflict-affected countries the security sector—the military, police, secret services and intelligence—often have powers above the law. Sometimes, instead of serving the population, they are used by the state to oppress any form of opposition and increase the militarisation of society. In some places, powerful militaries have destabilised civilian governments. In others, the security sector receives a disproportionate amount of the national budget, in effect, redirecting resources from development to military expenditure. In the reconstruction and transformation of any post war country, security sector reform (SSR) is key.

Reducing the size, budget and scope of activity of the security sector and reforming it to become more transparent and accountable to its citizens is a difficult task in any country. Very few women or even non-governmental organisations (NGOs) enter into the discussions surrounding the security sector, as it is often perceived to be the domain of “experts” in the security arena and is sufficiently mysterious to discourage non-military individuals and groups from entering the debate.

But the nature, size and function of a state security system are critical to shaping the nature of the government and society that comes after a war. So it is essential for civilians, including women, to engage, ask questions and seek solutions.

1. WHAT IS SECURITY SECTOR REFORM?

The **security sector** refers to organisations and entities that have the authority, capacity and/or orders to use force or the threat of force to protect the state and civilians. It also includes the civil structures responsible for managing such organisations. Three components make up the sector:

1. groups with the authority and instruments to use force (e.g. militaries, police, paramilitaries, intelligence services);
2. institutions that monitor and manage the sector (e.g. government ministries, parliament, civil society—see chapter on governance); and
3. structures responsible for maintaining the rule of law (e.g. the judiciary, the ministry of justice, prisons, human rights commissions, local and traditional justice mechanisms—see chapter on transitional justice).

In states affected by armed conflict, the security sector also includes non-state actors such as armed opposition movements, militias and private security firms. Additionally the media, academia and civil society can play an important role in monitoring activities and calling for accountability.

The reform of this sector is important for promoting peace and good governance in the short and long term. In the short term, SSR is needed to ensure that:

- forces do not regroup to destabilise or pose a threat to peace;
- bribery and corruption are eliminated; and
- the sector (including leadership structures) is fully transformed so as to gain credibility, legitimacy and trust in the public eye.

If the security sector is not handled adequately and in time, it is likely that funds will continue to be misdirected, putting a severe constraint on the process of post conflict reconstruction.

In the longer term, SSR is typically understood to have four dimensions:

1. political, primarily based on the principle of civilian control over military and security bodies;
2. institutional, referring to the physical and technical transformation of security entities (e.g. structure of security establishment, number of troops, equipment, etc.);
3. economic, relating to the financing and budgets of forces; and
4. societal, relating to the role of civil society in monitoring security policies and programmes.

Transforming the political dimension begins with overarching discussions about the role of the armed forces in society and how defence policy is made and implemented. This may include public and parliamentary debate as well as input from civil society. In many cases, international donors press for democratic, civilian control of the military and other security forces—including control of their budget—and an independent judiciary.

In some cases, the entire shape and focus of the armed forces can be reformulated during this phase, as a new military doctrine is drafted along with a budget. In such a framework, the government states the nature, roles and intentions of its military forces (e.g. if it will be defensive in nature, or will be gearing up to face a known external threat). In **South Africa**, widespread public consultations resulted in discussions about “What is security?” and “What are the threats to the nation?” This led to a general shift from traditional military notions of security to a political framework that placed human security—development, alleviation of poverty, access to food and water, education and public safety—at the centre of the national security framework.

The institutional dimensions of SSR refer to the physical and technical transformation of these structures so that they meet the international standards expected of a democratic country. This is often the most difficult component of SSR, as powerful military leaders or institutions are often unwilling to give up their control or agree to be

under the leadership of a civilian government. Moreover, since they are often the most qualified personnel to address security issues, their influence remains strong even in reform processes.

Steps to transform security institutions include:

1. transforming the structure of the military and security bodies, including, where necessary, reduction in its size through disarming and demobilising forces (see chapter on disarmament, demobilisation and reintegration) and/or combining former guerrillas and the military to create a new national service;
2. instituting new recruitment and training policies to “professionalise” and “modernise” the new military and police forces (building their capacity, reorienting their focus and teaching new skills such as respect for human rights);
3. training and supporting reformed judicial and penal systems (ensuring their independence and accountability to civil society); and
4. fostering a cultural transformation so that previously excluded sectors of society (e.g. ethnic or religious groups, women, etc.) are included in security forces and institutions are sensitive to their needs.

The economic dimensions of SSR relate to the finances and budgets of the security forces. This requires the legislature or governmental bodies to determine the tasks of the new security forces and the appropriate level of funding necessary to carry them out. This may require actually increasing the military budget in the short term—e.g. to pay for reintegration benefits for demobilised combatants, retraining soldiers, etc.

The societal dimensions of SSR concern the role of civil society in monitoring the development of security policies and the actions of security services, and ensuring transparency and accountability on all issues. This includes public awareness activities and advocacy efforts by such groups as the independent media, religious organisations, student groups, professional associations, human rights advocacy groups and women’s organisations.

As shown by the many activities listed above, SSR is a complex and lengthy process that involves most ministries and agencies of the government as well as all sectors of civil society. Obstacles to its implementation are many, but the ideal end result is a democratic, civilian-led security structure that is affordable and at the service of and accountable to the people.

2. WHO DESIGNS AND IMPLEMENTS SSR?

The plan for SSR is often laid out in an official peace accord. In some cases the accords are very detailed; in others a broad mandate is issued and specifics are left for post-accord planning.

The national government is the primary actor responsible for the implementation of SSR. Due to the nature of countries in transition from war to peace, or dictatorship to democracy, the military has often been a primary actor in government—receiving a large piece of the overall budget, playing a major role in decision-making in all aspects of governance and maintaining physical control over large areas of the country. It is highly likely in such circumstances that resistance to reform will be strong. Considerable time and resources, along with pressure from donors and civil society, are usually necessary for reforms to take root.

Support from the international community is also important. In recent years, international donors have begun to support SSR in developing and post conflict countries. Their focus, in general, has been on the importance of civilian control and oversight and good governance (transparency, anti-corruption, etc.) in the security sector. Their activities include:

- providing technical advice to governments on issues of fiscal responsibility and oversight;
- offering training programmes for military and civilian leaders in accountability, transparency and human rights;
- strengthening civil institutions, such as the ministries of justice and defence;
- supporting and building civil society capacities to provide input into and monitor the security sector;

- providing professional training for the armed forces and police;
- assisting disarmament, demobilisation and reintegration programmes; and
- launching more in-depth bilateral partnership initiatives (e.g. the Australian Regional Assistance Mission to the Solomon Islands, which provides funding and technical assistance for SSR).

SSR is increasingly seen as part of the array of activities that contribute to alleviation of poverty and development. The United Nations Development Programme (UNDP), the World Bank, the United States Agency for International Development (USAID) and the United Kingdom Department for International Development (DfID) have become major actors in forging this connection.

There is a growing consensus among policy-makers and scholars that civil society also makes important contributions to SSR, including:

- facilitating dialogue and debate;
- encouraging inclusivity and equal participation of all communities in the discussions, a sense of local ownership of the process and the sector;
- promoting transparency;
- sharing knowledge and providing training on issues ranging from gender to human rights; and
- monitoring reform initiatives.

Advocacy groups, such as human rights and women's organisations, can press for reforms and insist on transparency, while raising awareness of certain issues through the media. For example, in Nepal, women's groups have trained the military in human rights law and related issues that will teach them how to treat the public. In South Africa, NGOs raised concerns about the environmental damage that military activities might cause in certain areas (e.g. depleted weapons systems affecting water or soil).

Community groups such as church organisations, trade unions and neighbourhood associations can represent the interests of their members at particular points, such as the reintegration of former fighters. They might lobby for longer-term resources to

support reintegration efforts or call for more skills training and development assistance. NGOs can also act as “service delivery” organisations, perhaps providing rehabilitation services to demobilised combatants or mobilising for community policing.

Local civil society groups can also be effective in vetting applicants for the police or military service to make sure that balanced representation from different sectors of society, and that former criminals are not recruited. In **Iraq**, for example, local councils offered to assist the US-run Coalition Provisional Authority in recruiting new Iraqi security personnel in 2003. Since they belonged to the neighbourhood, the council members knew who would be appropriate to serve in the police or army.

Yet despite the opportunities that exist, more often than not, civil society and particularly women are excluded or choose to stay away from these discussions. In the 2004 peace talks in **Sudan**, the subcommittee addressing security issues was made up of military commanders; no civilians or women were involved. In **Nepal** in 2004, the National Security Council was comprised of army personnel and representatives from the Defence Ministry and the Prime Minister’s office, but no women were included. Indeed there were no high-ranking women in the police or key ministries of the Nepalese government.

3. WHY SHOULD WOMEN BE INVOLVED IN SSR?

The security sector affects men and women in different ways, given the distinct roles they play during war, peacebuilding, and post conflict reconstruction. During times of armed conflict and unrest, the actions of the security sector have a direct impact on men and women’s lives. While military personnel and those holding guns deliberate security issues, civilians are the first to be affected by the violence and insecurity that prevails. Women, especially those heading households, are most vulnerable when public security diminishes and when security forces that do exist are predatory. Their perspectives should be sought in any reform process.

ABUSE OF POWER

Under military dictatorships and “police states” or other totalitarian systems, regimes ensure that their operatives are pervasive, not only breeding fear and

oppression, but also causing a profound lack of trust within the population. In other words, it is quite likely that people, especially those from marginalised and oppressed populations, fear the police, rather than considering them as providers of basic security and protection.

Inevitably, the secrecy and all-consuming power that security forces wield in some societies can lead to all forms of human rights violations—from the most simple, perhaps harassment, to the most extreme, such as imprisonment without cause or torture. In **Nepal**, state security forces were infamous for abusing and raping women in villages with impunity until local activists took action (see below).

SEXUAL ABUSE AND COERCED PROSTITUTION AS ACCEPTED NORMS

The sexual abuse of women is common during times of conflict and in states where the security services are powerful. Yet there is much silence around this issue, as it touches the very heart of individuals’ insecurity. Often neither women nor their male relatives are willing to protest such sexual misconduct. In the aftermath of conflict, such practices may cultivate a mindset that treats domestic violence and the trafficking of women for the sex trade as inevitable and therefore acceptable. In **East Timor**, political and social violence drastically declined following the peace agreement, yet domestic violence remained the same, accounting for 40 percent of all reported crimes. It led then-UN administrator Sergio Vieira de Mello to label domestic violence a “cancer” in Timorese society.¹

But social taboos that prevent debates about violence against women, as well as women’s marginalisation from political power, mean these problems are easily ignored when SSR policies are developed and implemented. In **Sierra Leone’s** security sector transition, two years after the reform of the Sierra Leone Police began, “there are still complaints of corruption, insensitivity to gender-based violence, and failure to investigate complaints of rape and domestic violence.”²

WHY SHOULD THE SECURITY SECTOR MATTER TO YOU?¹³

PROBLEM	CONSEQUENCES
Government unable or unwilling to control the military and other security actors.	Coup d'etat; democratic, accountable government unable to take root; human rights abuses.
Government unable or unwilling to manage military expenditures and defence procurements effectively and efficiently.	Public money wasted on unnecessary and/or overpriced equipment; corruption; poor level and quality of security.
Government enacts repressive internal security measures for narrow political gain.	Excessive military expenditures; democracy under threat; human rights abuses.
Defence strategy based on unreal or inflated estimate of threats.	Excessive military expenditures; possible inability to deal with wider threats to security.

4. HOW DO WOMEN CONTRIBUTE TO SSR?

There are few documented examples of women's contributions to SSR—the major case being in **South Africa**.³ Models of women's potential activities in this area are detailed below.

WOMEN IN SECURITY FORCES

Women in opposition groups, military, police forces and intelligence services are in a unique position to affect SSR from the inside. It is important for women—especially in leadership positions—to bring a gender perspective to the discussions on security issues during the negotiations process. In **South Africa**, women from the Umkonto we Sizwe (MK), the military wing of the African National Congress (ANC), drew on their own experiences of harassment and discrimination and fought hard to ensure democratic representation in the new security structures, including the establishment of policies to ensure women's inclusion and equal status and participation.

Women combatants—members of rebel groups or government forces—can participate in aspects of SSR, including as part of the new institutions, but they have been given limited opportunities. Increasingly there is attention given to women in disarmament, demobilisation and reintegration (DDR) programmes (see chapter on DDR). Yet in many cases, they are denied access to benefits,

including education and employment. Typically, women participate in the new forces in far fewer numbers than their male counterparts. In **El Salvador**, women constituted less than six percent of the post war police force,⁴ and in **Afghanistan** there were only 40 female recruits in the first class of 1,500 in the Kabul Police Academy.⁵ Female police officers are typically assigned to dealing with “women's” issues, such as responding to victims of domestic violence or the arrest and search of female prisoners. Women are often given lower-status positions, such as clerical duties. In **Sierra Leone**, despite the hiring of women and gender training for the lower ranks, “female police officers are sometimes expected to do little more than cook lunch for the male police officers.”⁶ Yet in many instances—particularly where women are part of a broader liberation struggle—they have skills and understanding of issues that can benefit the security institutions as a whole, especially with regard to the forces' relations with the community.

WOMEN IN PARLIAMENT

As parliamentarians, women can play a key role in demanding accountability and transparency from the security services; determining budgets and policies to ensure that military expenditures do not take away resources from developmental issues such as education, the environment, social services and healthcare; including the public in debate and dialogue on these issues; and ensuring democratic representation in the new security structures.

Security and Terrorism

The declaration of the “War on Terror” in the aftermath of the September 11, 2001, attacks in the US has led to increased militarisation in many countries across the world. As a result, in some conflict-affected countries, laws and policies against “terrorism” have been used to justify government crackdowns on all forms of dissent. This, in turn, has had a detrimental impact on the work of some NGOs and civil society peace activists, as certain governments have sought to co-opt them. Some governments have demanded that civil society groups provide information and aid or have conditioned their own assistance on cooperation against “terrorist” actors. In **Nepal**, for example, the army has blocked medical care and provisions to villages where they suspect Maoist activities. Across the world, civil society activists are not only denouncing these policies, but revealing that heightened militarisation is creating increased insecurity for many civilians. Women’s groups in countries as varied as **Colombia** and **Nepal** are attempting to find alternative ways of dealing with the constraints.

In **South Africa**, women parliamentarians promoted public participation in the reform process by including NGOs when formulating new policies. They also took a stand, pleading for honesty and transparency when an arms deal was concluded without public debate and allegations of corruption were rampant. Women also criticised the government for spending scarce funds on arms instead of alleviation of poverty, and one key female parliamentarian resigned in protest over the deal.⁷

WOMEN IN GOVERNMENT

The leadership of women in governmental positions, such as ministers and other high-level decision-makers, can also impact the process and substance of SSR. Promoting women in decision-making positions at national and local levels is crucial to maximising their contributions to SSR.

In **South Africa**, as part of the establishment of transparent, civilian authority over the armed forces, a Quaker woman was appointed to the post of Deputy Defence Minister. Among other initiatives, she has convened an annual Women’s Peace Table seminar that brings together women from the military and civil society to discuss issues such as the security needs of the country and the conduct of soldiers. Under her guidance, other initiatives in the Department of Defence—including a gender focal point, gender-sensitisation programmes and specific policies to remove barriers for women and promote their equal participation in security structures have been launched.

WOMEN IN CIVIL SOCIETY

NGOs and community activists have a vital role to

play in security sector transformation, serving as expert advisors to the process, pressuring for reforms, representing the interests of their communities and providing much-needed services to fill the gaps in official work. Moreover, the involvement of the public is, in itself, one of the most important aspects of SSR.

Feminist and anti-militarist academics and experts have also offered important insight into the SSR process. In **South Africa**, they played a key role in shaping policies and monitoring for transparency and accountability. There are still few women, relative to men, with expertise in military security issues. But in many conflict areas, women peace activists have initiated efforts to include training on gender, human rights and rule of law in programmes for the security forces.

In **Colombia**, since 2003, women’s groups have questioned the militaristic notions of security and have been working through their networks to redefine security based on humanitarian needs. In **Nepal**, since 2003, a women’s organisation has engaged with the military, providing training to some 200 senior commanders on international human rights and conventions relating to women’s and children’s rights. Through interactive programmes involving senior military personnel and villagers, they highlight the impact of the military’s harassment and violence and seek to promote protection of life and explain how the military’s actions violate international norms. By 2004, a Steering Committee including representatives from **Save the Children**,⁸ the armed forces police the general police, and the prime minister’s office had been created to monitor

progress and support the creation of a training manual for military personnel in the field.

In southern **Sudan**, following advocacy efforts by women's groups in 2002, a series of meetings was organised between traditional leaders, women's groups, civil society and the civilian authorities to explore the role of the security sector in promoting peace. As a result of the discussions, judges and the police force entered into new training programmes designed to increase their understanding of human rights laws. New job descriptions were developed with particular reference to upholding and implementing international human rights norms in the context of policing and the judiciary. Women leaders at the grassroots level are also being trained to understand the relevance of security issues.⁹

Civil society can monitor the government's plans and pressure for reforms. In **Sierra Leone** in 1998 NGOs reacted against the government's plan to include men who had mutinied in the new armed forces, leading to a national dialogue on the role of the armed forces in the country. In **Fiji**, women's NGOs working with the Ministry of Women's Affairs met with the Fiji Government's National Security and Defence Review Committee (NSDR) as part of its review process in 2003. The meeting included discussions about how the review process was being conducted, who was being consulted, the issues being identified as security threats and how international standards and norms (including Resolution 1325) were being incorporated into the defence programme. As a result, women's groups made two submissions to the NSDR including recommendations for the permanent appointment of the Minister for Women on the National Security Council and representation of women on provincial and district-level security committees.

In the **Georgian** and **Abkhaz** conflict, women's groups drew on discussions around "human security" to develop common areas of concern. They found that for many internally displaced Georgians, security would increase by returning to their homes in Abkhazia; in contrast, Abkhazians found the return of Georgians to be a threat to their security as it implied a potential return to violence and revenge. To overcome fears of retribution, women activists on both sides are lobbying governmental authorities to

pass resolutions on the non-resumption of armed conflict as a confidence-building measure.

Examples of civil society and government partnerships for SSR are increasing. In **Guatemala**, FLACSO (Facultad Latinoamericana de Ciencias Sociales), a security-focused NGO, convened civil society, government representatives and members of the security sector in a consultative process to develop solutions to specific SSR challenges. In **Malawi**, civil society organisations contribute to the effectiveness of their community policing units through information gathering on crime and small arms, public awareness-raising activities and advocacy for legal reform.

Women are also very familiar with the needs of their communities and can advocate for budgetary shifts away from military to social expenditure. In 1997, in a petition signed by 99,000 women and presented to the UN General Assembly, there was a call for a reduction of 5 percent in national military expenditures globally and a redistribution of those funds to health, education and employment programmes over the following five years.¹⁰

At the local level, women's knowledge of community needs emerged at a conference of **Iraqi** women in November 2003. Their recommendations to improve security included: "Immediately ensure street lighting."¹¹ They noted that in dark streets burglaries, theft, kidnappings and other forms of violence were more common. This was a cause of great concern for the community. While the provision of street lights does not address the more complex causes of insecurity in such circumstances, it does help limit lawlessness and enable neighbourhoods and communities to regain some level of basic security.

Women can also be effective in community policing. In several post conflict states in response to a lack of security and an increase in violent crime, policing by community members has become a means of providing basic safety and security. The **UN Development Fund for Women (UNIFEM)** has sponsored women's groups in **Bosnia and Herzegovina** and **Cambodia** that have conducted training for leaders of community policing to better respond to the needs of women, making the units more effective at enhancing security throughout the community.¹²

5. WHAT INTERNATIONAL POLICIES EXIST?

Very little attention has been paid to the issue of women's involvement in SSR. While **Resolution 1325** of the **UN Security Council**, for instance, mandates the inclusion of women in peace processes and post conflict reconstruction, formal statements from the UN and other organisations have not yet specifically addressed the inclusion of women and gender perspectives in the transformation of the security sector.

In both governmental and non-governmental spheres, studies have addressed the importance of civil society to these issues, although few mention women specifically. **UNIFEM** and the **Secretary-General's office** have issued reports that briefly discuss the role of women in SSR. Much more is needed to advance this issue.

6. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

1. Network with mainstream civil society groups and think tanks specialising in security issues to exchange knowledge and strategies and build capacity within your organisation to address these issues.
2. Educate women and men on SSR—its mechanisms, frameworks and policies, with specific focus on how to address the particular security needs of women.
3. Convene public meetings to determine the security concerns of the population and possible solutions:
 - raise awareness at the community level of the importance of engaging with the security sector;
 - utilise the media to initiate a public dialogue on the issue of SSR; and
 - publish findings of consultations and use them to advocate for broader public participation in security-related debates.
4. Identify and engage with key governmental and military actors involved in the process and present civil society concerns.
 - pressure all parties to include women and other civil society actors in security-related discussions; and
 - urge the government and parliament to consider the community's needs, concerns and input.
5. Work with and strengthen the capacities of women in official positions to engage in security issues. Ensure that they have a gender perspective in their deliberations and encourage them to meet with civil society groups.
6. Monitor governmental and international discussions regarding SSR. Comment and offer solutions through press releases and publications.
7. Monitor the budget, expenditures and procurement practices of parliament and the department of defence to ensure transparency and accountability.
8. Lobby for affirmative action and anti-discrimination policies to ensure equal participation of women in the military.
9. Lobby for and provide gender awareness and human rights training for those branches of security institutions most likely to come in contact with civilians (such as the police).
10. Convene women from the military, parliament, and civil society to discuss women and security issues, create a common agenda and strategise on steps to ensure women's perspectives are included in policymaking on defence and security.

WHERE CAN YOU FIND MORE INFORMATION?

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ACRONYMS

ANC	African National Congress
DDR	Disarmament, Demobilisation and Reintegration
FLACSO	Facultad Latinoamericana de Ciencias Sociales
MK	Umkonto we Sizwe
NGO	Non-Governmental Organisation
NSDR	National Security and Defence Review Committee of Fiji
SSR	Security Sector Reform
UNIFEM	United Nations Development Fund for Women

ENDNOTES

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Picture credits clockwise from top left: Thousands of Colombian Women Protesting in Bogotá, July 25, 2002, PHOTO BY REUTERS, COURTESY OF WOMEN WAGING PEACE. Achol Cyer Rehan, Women's Association Chairwoman for Bhar El Ghazal Region, South Sudan and Suzanne Samson Jambo, Coordinator, New Sudanese Indigenous NGOs Network, PHOTO BY VICTORIA STANSKI. Alma Viviana Pérez Gomez, Consultant, Ministry of Foreign Affairs, Colombia, PHOTO BY VICTORIA STANSKI.

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INCLUSIVE SECURITY,
SUSTAINABLE PEACE:
*A Toolkit for
Advocacy and Action*

4

Justice, Governance and Civil Society

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Transitional Justice and Reconciliation

SANAM NARAGHI ANDERLINI, CAMILLE PAMPELL CONAWAY AND LISA KAYS

When violent conflict ends or a harsh totalitarian state collapses, the perpetrators and victims of violence must often resettle together in their communities. This can be immensely difficult when neighbours and even family members have fought on opposite sides of a conflict or attacked each other. The sheer numbers of participants in the violence, the various perceptions of who was in the “right” or in the “wrong” and the presence of struggling state institutions make the pursuit of justice and reconciliation quite complex. Nonetheless it is important to have some means by which to acknowledge crimes committed during a period of totalitarian rule or violent conflict. Often the international community—working with governments and civil society—establishes temporary courts or commissions to provide some sense of justice for victims and initiate a longer-term process of healing.

Women are affected in many ways during war, but there has been particular attention given to sex-based crimes. While such offences are among the worst acts of war, the focus on sex-based crimes to the exclusion of other forms of violence (such as displacement or loss of property) can limit the understanding of the many experiences of women in war and conflict. This chapter highlights the key factors underlying transitional justice processes, drawing attention to the role of women.

1. WHAT IS TRANSITIONAL JUSTICE?

Transitional justice refers to the short-term and often temporary judicial and non-judicial mechanisms and processes that address the legacy of human rights abuses and violence during a society’s transition away from conflict or authoritarian rule.

The goals of transitional justice include:

- addressing, and attempting to heal, divisions in society that arise as a result of human rights violations;
- bringing closure and healing the wounds of individuals and society, particularly through “truth telling;”
- providing justice to victims and accountability for perpetrators;
- creating an accurate historical record for society;
- restoring the rule of law;

- reforming institutions to promote democratisation and human rights;
- ensuring that human rights violations are not repeated; and
- promoting co-existence and sustainable peace.

There are two underlying values involved: *justice and reconciliation*. Although they appear to be at opposite ends of the spectrum, the goal in both cases is an end to the cycles that perpetuate war, violence and human rights abuses.

JUSTICE

In the aftermath of conflict or authoritarian rule, people who have been victimised often demand justice. The notion that there cannot be peace without justice emerges forcefully in many communities. But justice can be based on *retribution* (punishment and corrective action for wrongdoings) or on *restoration* (emphasising the construction of relationships between the individuals and communities).

Elements of Retributive Justice: **Retributive justice** is based on the principle that people who have committed human rights violations, or ordered others to do so, should be punished in courts of law or, at a minimum, must publicly confess and ask forgiveness.

Those who uphold this approach contend that punishment is necessary to:

- make perpetrators accountable for their past actions;
- deter future crime;
- counter a culture of impunity; and
- create an environment in which perpetrators and victims can realistically be expected to live next to one another.

Other positive elements of retributive justice, according to its supporters, are:

- avoiding vigilante justice in which victims seek punishment, or justice, from their perpetrators, potentially creating cycles of revenge;
- ensuring that the perpetrators do not rise to power again;
- individualising guilt to ensure that entire communities or groups are not held responsible for crimes; and
- instilling trust in the new legal, justice and political systems, ensuring that people believe in those systems and do not become cynical towards them if perpetrators go unpunished for crimes.

Retributive models of transitional justice suffer from several shortcomings.

- Prosecutions focus primarily on the perpetrator and do not give victims the attention or healing they need.
- Trials can lead to revictimisation, as those giving testimony are cross-examined in a potentially hostile and humiliating proceeding.
- Criminal courts, due to the necessity for clear-cut “yes” or “no” answers, may limit information sharing, making it difficult to obtain the whole truth. Additionally, perpetrators have no incentive to confess, tell the whole truth or make the record public.

- There is no examination of systemic and institutional structures (e.g. secret police, paramilitary units) that allowed or contributed to the crimes.

Retributive justice also includes **restitution**—recovery of losses or compensation to rectify harm. It generally takes the form of a financial payment made to the victim either by the offender or by the state. Both retribution and restitution have symbolic value, as they are concerned with “righting an imbalance.”¹

Elements of Restorative Justice: Restorative justice is a process through which all those affected by an offence—victims, perpetrators and by-standing communities—collectively deal with the consequences. It is a systematic means of addressing wrongdoings that emphasises the healing of wounds and rebuilding of relationships. Restorative justice does not focus on punishment for crimes, but on repairing the damage done and offering restitution.

The goals of restorative justice include:

- resolving the original conflict;
- integrating all affected parties;
- healing the pain of victims through apologies and restitution; and
- preventing future wrongdoing through community-building measures.

Truth telling and the meeting of victims and perpetrators are important in the process, as are expressing remorse and making restitution to the victim and his or her family. In conflict-affected societies in which children have perpetrated violence, a restorative justice approach can be a means of getting children to admit to their actions and to acknowledge their wrongdoing, while providing a means of rehabilitation and return to “normal” life without permanent stigmatisation.

RECONCILIATION

Reconciliation varies in meaning and significance. It can simply mean co-existence or it can mean dialogue, remorse, apology, forgiveness and healing. For each person, reconciliation can begin at a different point in the post conflict transition: at the negotiating table, during the prosecution of perpetrators or with the adoption of a new constitution, for example.

Some Meanings of Reconciliation²

- reconstruction of the community, neighbourly relationships, families, etc. which were broken due to pain, distrust and fear.
- construction of a non-racist and non-exclusive ideology, such as a new social consensus out of respect for human rights that is expressed in terms of political changes.
- promotion of intercultural understanding. Among cultures whose co-existence has deteriorated, it promotes mutual understanding, respect and development.
- a moral conversion: a personal change, acceptance of others and acknowledgment of one's own mistakes, crimes, etc.
- restitution of the victim's integrity and a path to the psychosocial rebuilding of experiences of suffering and resistance.
- a way of coming to terms with the past by the victims and those responsible for the atrocities.

An important point about reconciliation is that it is not an attempt to restore things to how they were *before* the conflict, but rather about constructing relationships in a way that allows everyone to move forward together. It is therefore not so much about an end result, such as punishment, but rather about a sequence of processes that build and improve relationships. *National* reconciliation refers to a political form of consensus and interaction among parties and leaders. *Societal* reconciliation refers to the longer-term, more difficult process of community and individual reconciliation.

A 1996 study indicated that the following are necessary for reconciliation to occur:

- “some form of justice;
- community-level confidence-building measures; and
- strategies and mechanisms for dealing with actors who could potentially derail the peace process.”³

Reconciliation is often seen to be crucial if peace processes are to succeed, as it establishes relations among parties after a conflict and decreases the risk of further violence.

In recent years, in the majority of post conflict states, efforts have been made to implement both justice and reconciliation mechanisms. In general, justice mechanisms have focused on the leaders or key instigators of conflict or repression, while reconciliation mechanisms have been aimed at the lower ranks.

2. WHO IS INVOLVED IN TRANSITIONAL JUSTICE MECHANISMS?

A variety of tribunals, courts, commissions and local conflict-resolution processes exist and are drawn upon in post conflict situations. International, national and local actors are involved.

AT THE INTERNATIONAL LEVEL

The precedent for international tribunals was set when Nazi and Japanese military and political leaders, who committed war crimes during World War II, were tried before international military tribunals in Nuremberg and Tokyo. Under Chapter VII of the UN Charter, the Security Council, in cases of war, has the right to establish international tribunals and appoint international representatives to run them. The International Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR) were the first such courts to be established since the end of World War II.

In July 2002, the **International Criminal Court (ICC)** became the first permanent mechanism for transitional justice. It will try individuals responsible for international crimes including genocide, war crimes and crimes against humanity. Its power extends to the citizens and territories of governments that have ratified the treaty—90 countries as of May 2004.⁴

International tribunals are important when, at the national level, there is either a lack of capacity or

political will to try suspected war criminals. The tribunals can be held either in-country (as in **Sierra Leone**) or externally. In the case of the ICTY and ICTR, the courts were established outside the countries, as it was felt that holding the trials in-country could exacerbate tensions. The downside, however, is that in both cases, there is little local ownership of the process, and ordinary citizens feel disconnected from the high-level processes that have been taking place outside their countries.⁵ As a result, although some key perpetrators have been tried, the courts have not contributed to long-term reconciliation in either **Rwanda** or the **Balkans**. Moreover, international tribunals tend to produce relatively few results for a high financial price. The ICTR in Arusha, Tanzania, has been notoriously slow in trying the major perpetrators of the Rwandan genocide; as of 2004, only fifteen judgments have been handed down since the first trial took place in 1997.⁶

“Mixed” international and national mechanisms are increasingly used to creatively address a country’s specific needs and concerns. In **East Timor**, for example, the Special Panels with Exclusive Jurisdiction over Serious Crimes were established in 2000 within the domestic judicial system, but with two international judges and one Timorese judge. The **Iraqi** war crimes tribunal set up in 2004 offers yet another model with Iraqi lawyers and judges using Iraqi and international law to try former officials, but drawing on international (primarily American) expertise and support in preparing the cases and gathering evidence.

Other new transnational justice mechanisms include trials in a third country based on **universal jurisdiction**—a rule that allows national courts of one country to try cases of the most serious crimes, even if they were not committed in that country’s territory. For example, **Chilean** dictator General Augusto Pinochet was arrested in London in 1998 on charges of murder, torture and disappearances that were brought forward by a Spanish court.⁷

Women and International Tribunals: International humanitarian law provides equal protection for women and men. The four **Geneva Conventions** of 1949 and their two additional protocols of 1977 also recognise women’s special needs (see international policies section below). More recently, as a result of advances at the ICTY:

- sexual violence is now recognised as a “grave breach” of the Fourth Geneva Convention;
- sexual violence, including rape, is a violation of law and customs of war; and
- rape constitutes torture.⁸

In practice, however, gender-based crimes are underrepresented in international tribunals and in national courts.⁹ This is, in part, because few women are in leadership positions within these institutions and are rarely consulted during the design of tribunals. According to the **UN Development Fund for Women (UNIFEM)**, of the 14 permanent judges at the international criminal tribunals for the former **Yugoslavia** and **Rwanda**, no more than three at any one time have been women.¹⁰ In addition, there is ample evidence to indicate that the adversarial and public nature of trials and tribunals offers limited protection for women witnesses. At the ICTR, for example, even though rules and procedures addressed witness protection and included specific provisions for women, these were not initially put into operation, and women feared testifying.¹¹ Even when women are willing to come forward, they are often faced with having to relive their worst experiences without having the opportunity to fully tell their stories.

AT THE NATIONAL LEVEL

National Law: In situations of internal conflict, where the state has been a party to war, the government is often reluctant to try its citizens, but has attempted to do so in several cases. In **Cambodia**, with support from the UN, some Khmer Rouge leaders were put on trial in national tribunals. Post-genocide **Rwandan** courts tried 7,000 individuals between 1997 and 2002, while the state was rebuilding its justice system.¹² The challenges have been immense, including security issues for the protection of witnesses, a shortage of personnel and allegations of one-sided justice. Faced with similar allegations, the Indonesian government succumbed to pressure and is conducting domestic trials for the military, police and government officials accused of human rights violations in **East Timor**.

Women and National Law: Given the collapse of the legal system in many post conflict states, justice mechanisms are most likely to fail women at the

national level. Sentences on rape and sexual violence are often minimal. Evidence is nearly impossible to collect, and in some cases, amnesty is granted. Furthermore, even in peacetime situations, women are often discriminated against by court systems, which apply national laws that are influenced by customary or religious norms and laws. In some countries women are subject to gender-specific laws, detained illegally, publicly humiliated or have their testimony disregarded.

Truth Commissions: Official, temporary investigative bodies, often referred to as **truth commissions**, have been established to clarify the “truth” about atrocities and events that took place during an earlier period of repression or conflict. They are non-judicial bodies that generally produce a report of their findings with conclusions and recommendations for future reform.”¹³ **Commissions of inquiry** are usually distinguishable from truth commissions because they investigate crimes from a specific event (rather than over a period of time).

The objectives and mandates of truth commissions vary. Key goals in many cases include:

- highlighting the root causes of the conflict and the institutions involved;
- providing accurate documentation of human rights abuses and violations;
- allowing a space for victims to share their stories;
- officially recognising and condemning the wrongdoings; and
- making recommendations to prevent future violence, reform institutions and enhance justice, accountability and respect for human rights.

Some truth commissions have pursued additional activities, including naming perpetrators, granting amnesty or providing reparations. Concerns regarding the effectiveness of truth commissions include the selectiveness of the “truth;” an increase in tensions during the process; additional trauma felt by witnesses during testimony; the reliance on other institutions to implement recommendations; and the dangers of unfulfilled expectations.

The **South African Truth and Reconciliation Commission (TRC)** lasted 10 years. It involved many

public hearings across the country, informing communities of the process. Thousands of people came before the TRC to give testimony about their experiences as victims as families of victims, and as perpetrators. It was a public event, broadcast on television and radio. At its conclusion, reports were compiled and presented to the government. From the start, it was agreed that victims would be compensated. In the end, the government agreed to award some compensation, but there is still controversy about the role of reparations in truth commissions.

Approximately 25 truth commissions have been or are being conducted worldwide in countries ranging from Argentina to East Timor, from Sierra Leone to Sri Lanka.¹⁴

Women and Truth Commissions: In truth commissions, women tend to focus their testimony on their husbands, children and other loved ones, rather than on their own experiences. While some researchers argue that women are exploited by this, as their own stories are overshadowed, new research on the **South African TRC** indicates that in many cases women intentionally came to the TRC to tell the story of their loved ones as a strategy to generate empathy and compassion with members of both sides of the conflict.¹⁵

Prior to the ICTY and ICTR, sexual violence against women, including rape, was often sidelined. The **Salvadoran Commission on Truth** in 1993 did not include reports of rape at all in its final report because they were seen as outside of its mandate to report on “politically-motivated acts.”¹⁶ In **Guatemala**, sexual violence was included in the truth commission report as part of the section on torture.

Sexual violence cases are generally underreported. This is often complicated by the fact that members of government may have been the perpetrators. Women victims face a difficult choice. Disclosure of sexual assault is risky and can result in estrangement from their family, mistreatment of their children and social exclusion. On the other hand, if crimes are not reported, women may be ineligible for reparations or other forms of legal redress.

Access to commissions is another challenge for women. Often those in rural areas have no way to get to cities where commissions are typically held. In

addition, women's testimony is not explicitly sought. In the case of **South Africa**, these issues were addressed in a number of ways. In an attempt to make it easier for women to be heard, a special women's hearing was convened. A range of programs were also introduced.

- Gender training was provided for all the commissioners.
- Preparatory workshops were held, particularly for rural women.
- Gender-sensitive reparations policies were developed (e.g. including compensation for work in the home).

Since then, truth commissions in **Sierra Leone** and **East Timor** have held special sessions for women. East Timor's public hearing, in particular, was extremely comprehensive and gathered victim, witness and expert testimony.

Reparations: Efforts to redress past wrongs through compensation, the restoration of property and rights, guarantees of non-repetition or other forms of restitution for victims are termed **reparations**. They may be directed toward individuals or communities and can include goods, services, money and legal rights such as citizenship or nationality, as well as symbolic gestures such as disclosures of truth, apologies from perpetrators and commemoration of victims. In **Rwanda**, for example, perpetrators have been known to rebuild the homes of genocide survivors. Obstacles to reparations programmes include a lack of resources, challenges in determining the eligibility of victims, and complexities in deciding the most appropriate forms of reparation.

Women and Reparations: In general, reparations policies and procedures can be gender-blind, not recognising the different needs and concerns of men and women. This can leave women without adequate compensation, as was the case in **South Africa**, where the reparations policy was initially formulated without regard for gender (but was later corrected through a special hearing). In **East Timor**, the Gender Affairs Unit of the UN mission convened 500 women in 2000 to recommend policies on a variety of issues, including reparations for women victims of violence during the conflict. Gender-sensitive reparations policies take into account, for example, the impact

on women's lives of the loss of the male breadwinner, the costs of women's unpaid labour in the home and the unquantifiable value of women's care giving functions. Such reparations might include transporting children to school, contributing financially to meet household needs, providing vocational training and assisting with medical care, particularly psychosocial counselling.

To date, there are few examples of reparations programmes for victims of sexual violence. Notably, **Guatemala's** state-proposed reparations programme includes compensation to rape victims, although the overall programme has, to a large extent, not been implemented.

Due to the nature of sexual violence and the many obstacles to obtaining justice for victims, "Realisation of the right to reparation will in many cases be tied to larger questions concerning women's access to social services and other entitlements."¹⁷ In other words, the existence of laws and policies that discriminate against women in all sectors of society can inhibit their access to reparations. Gender-sensitive reparations policies would break down these barriers—that is, they would serve as a catalyst to obtaining equality for women in the legal, political, economic and social spheres of post conflict countries.

Amnesty: **Amnesty** is a controversial component of some transitional justice mechanisms in which perpetrators are granted freedom from punishment in order to encourage truth-telling and promote social reconciliation. It can take the form of a **general** or "**blanket**" **amnesty** that covers all crimes committed by a group of individuals or **conditional amnesty** whereby the perpetrators must admit to the crime to be granted immunity from prosecution. It may also apply only to crimes committed during a certain time period.

Generally, the ability to grant amnesty is reserved for a head of state or the parliament. In **South Africa**, the TRC had the power to grant amnesty and in some cases did so in exchange for testimony or information. In this case, strict rules accompanied every application for amnesty, including the right of victims to oppose applications for amnesty, cross-examination of applicants and the potential for future prosecution if the person did not fully

cooperate with the TRC. In addition, individuals that refused to appear before the TRC, and those that did not apply for amnesty directly, faced potential prosecution in national courts.

In the past, amnesties for mass violence have been granted for a number of reasons including:

- demands of political leaders as a condition for negotiations;
- the popular belief that it would contribute to national reconciliation; and
- the inability of a new government to tackle crimes of the past.

Amnesty provisions can, however, create resentment among victims who feel that they received no justice. They can also foster a culture of impunity and lack of respect for the rule of law.

Women and Amnesty: A decision to grant amnesty also has a specific impact on women. The decision not to prosecute sexual violence obstructs justice and opportunities for rehabilitation for the victim. For example, in **Sierra Leone**, it is very difficult for some women to speak about and return to villages governed by the men who raped them.

Granting amnesty also may minimise the issue of sexual violence in the eyes of the population, allowing it to be set aside as an individual act or a private concern. In **South Africa**, crimes of a sexual nature, such as rape, were eligible for amnesty if they were proven to be politically motivated. This can be very difficult for women seeking justice, as the lines between political and personal motivation are blurred and difficult to prove.

Lustration: Sometimes called **vetting**, **lustration** refers to the banning of known human rights violators from holding political office or participating in the new government. It has rarely been used in post conflict situations, but it is sometimes a recommendation of truth commissions. One particular problem associated with lustration is the lack of experienced personnel for many positions in post conflict government.

In **El Salvador**, an Ad Hoc Commission was established as part of the peace accord to review the activities of military officers during the war. Through

its work, and that of the truth commission, 102 officers were “retired” due to human rights violations perpetrated during the conflict.¹⁸ In **Serbia**, a lustration law was passed in May 2003 stating that the records of public officials would be examined to see if they had violated human rights; if found guilty, they would be removed from any current office they held and could be banned from running for public office for the following five years.¹⁹

Institutional Reform and Capacity Building: This consists of judicial, legal, police, penal and military reform that promotes the rule of law and an end to human rights violations and systematic discrimination. In **South Africa**, the entire military, intelligence, police and legal system underwent massive changes in the early 1990s with the end of apartheid. In **Iraq**, the Working Group on Transitional Justice, composed of Iraqi expatriates, developed recommendations for transitional justice mechanisms following the ousting of Saddam Hussein in 2003. Their work included an analysis of the Iraqi legal code to identify provisions that violate basic human rights.²⁰

AT THE LOCAL LEVEL

Traditional Systems: Traditional justice mechanisms are increasingly used in some countries as complementary or alternative processes to international or national systems. Traditional justice procedures tend to take place at the community level and involve religious leaders, elders, local officials or other respected community members. These initiatives may lessen the burden on the formal system, offer familiarity and legitimacy to the population and contribute to reconciliation and reconstruction.

Traditional justice mechanisms face three central challenges:

1. how to standardise values, norms and processes throughout a country;
2. how to ensure victims do not feel that justice has been compromised; and
3. how to avoid overburdening the community with the large and difficult task of administering justice.

In **Rwanda**, the *gacaca* “court,” a traditional system of community-based conflict resolution and justice,

is being adapted to oversee the “trials” of the overwhelmingly large numbers of perpetrators of the 1994 genocide. It has already encountered various obstacles, however, and at the time of publication was under national review. In **East Timor**, the Community Reconciliation Process was established to complement the work of the Special Panels by addressing lesser crimes at the local level. Immunity from prosecution is granted when the perpetrator has admitted guilt, and victims and community members have determined appropriate actions for restitution.

In some instances, community members can initiate traditional mechanisms. For example in **Sierra Leone**, women in communities conduct healing rituals for child ex-combatants. By ritually cleansing them of their past deeds (killings, maiming, raiding), they enable the children to return and be accepted into a community (see chapter on children’s security).

Women and Traditional Forms of Justice: It is difficult to generalise about traditional justice because it varies by region, country and even community. Some general trends can be identified, however, that affect women.

- Women tend to be absent as decision-makers, judges, or prosecutors.
- Gender-based violence is often not recognised as a crime and thus is not addressed.
- For a variety of reasons (including social pressure and the fear of bringing shame), women are often reluctant to come forward and make accusations of rape or other forms of sexual assault.

The post conflict environment does at times provide a window of opportunity for women. In **Rwanda**, for example, women were not traditionally permitted to be judges in *gacaca* courts. But as the system was re-established to deal with genocide crimes, 35 percent of judges elected were women.²¹

THE ROLE OF CIVIL SOCIETY

Because transitional justice is about healing and establishing relations between people within a state, justice and reconciliation processes are dependent upon the active participation and input of civil society to make them truly effective.

Citizens are often the first to demand such initiatives. In **Taiwan** and **Korea**, women’s rights NGOs, rather than political dissidents, have led the fight to bring justice for former “comfort women” who served as sexual slaves to Japanese soldiers during World War II.²²

Civil society groups also play a key role in implementing justice mechanisms. They can offer expertise and input in the design phase, gather information for proceedings and raise awareness throughout the population. In **South Africa**, representatives of NGOs were intimately involved in the design and implementation of the TRC. In **Chile**, religious organisations collected numerous judicial transcripts about disappearances under Pinochet that were crucial for the work of the National Commission for Truth and Reconciliation. In **East Timor**, reconciliation proceedings involved churches, local governments, local chiefs and commissioners who ran the processes, but also depended upon hundreds of community members who came to watch and participate in proceedings.²³

Lastly, civil society groups lead reconciliation efforts. Often local populations create organisations to support victims of war, provide trauma counselling and promote healing, forgiveness and reconciliation at the community level. In **Guatemala**, for example, in addition to making submissions to the formal transitional justice procedures, many citizens also wanted to share experiences with communities with whom they were in conflict or distanced from because of the war. These informal processes led to joint initiatives, ceremonies and programs for collective healing; in one case, 28 communities organised to build a cross on top of a mountain to mark the graves of 916 people from the community.²⁴

3. HOW DO WOMEN CONTRIBUTE TO TRANSITIONAL JUSTICE?

Although there has been little documentation of women’s contributions to transitional justice, it is clear that they have a positive impact in a number of ways.

WOMEN AS PLANNERS AND DESIGNERS

On an international level, over 300 organisations supported the work of the Women’s Caucus for Gender Justice during the design of the International Criminal Court and its statutes. Their presence and

advocacy led to several advances in international law on issues of transitional justice and women including:

- guaranteed witness protection, support and counselling through the establishment of a Victim and Witnesses Unit;
- a mandate that judges have expertise on specific issues, including violence against women;
- a requirement of fair representation of men and women among judges; and
- a more far-reaching condition whereby states that ratify the Statute “amend their national law and adopt new legislation, if necessary, to ensure conformity with the Statute’s provisions.”²⁵

In the design of the ICTY, women judges drafted rules of procedure, requiring not only a higher level of sensitivity to gender issues but also better witness protection and rules for evidence than found previously in international processes.

At the national level, in **Sierra Leone**, women’s participation in the design of the truth commission ensured the existence of a special unit to investigate war crimes from a gender perspective. There is a Women’s Task Force, made up of members from women’s associations, UN agencies, the police force, the media and the legal profession, that works to create an atmosphere in which women can participate in both institutions. The Task Force is credited with addressing the need for gender balance and sensitivity within the truth commission.

In **East Timor’s** Commission for Reception, Truth and Reconciliation, women’s groups have been involved in public dialogues regarding the various options for transitional justice, the decision to establish a truth commission and as members of the steering committee that is formulating the commission. In particular, the two female commissioners (of seven total) have been at the forefront in ensuring that women’s issues are included throughout the process.

In **South Africa**, women participated in workshops and conferences to discuss transitional justice options and conducted education and awareness-raising activities regarding the transition. Women were thoroughly involved in the creation and design of the

TRC and made valuable contributions in promoting public hearings and participating at the community level. At the outset, the TRC was not designed to address issues and crimes specific to women. This was later changed, and a special session on gender was held.

Lastly, in the design of **Rwanda’s** transitional justice mechanisms, women parliamentarians played a vital role in moving rape from a “category four,” low-level offence to the most serious “category one” level, which require a trial by the ICTR or the national courts. However, because of the overwhelming number of such crimes, there is concern now that many rape perpetrators may never be tried.

WOMEN AS JUDGES AND COMMISSIONERS

In some cases, women serve as judges on tribunals and courts. In February 2003, seven of the eighteen judges elected to the International Criminal Court were women, a milestone in terms of the number of women serving on any international tribunal.²⁶ Five of the fifteen commissioners in **South Africa’s** Truth and Reconciliation Commission were women.²⁷ It is interesting to note, however, that women were assigned primarily to the Reparations and Rehabilitation Committee, which essentially had only an advisory role. Of the 25 truth commissions conducted worldwide, two have been chaired by women: the UN International Commission of Inquiry for **East Timor** and the **Sri Lankan** Commission on the Western and Southern Provinces. As of 2004, women participated in and presided over *gacaca* proceedings, and a woman chaired the Department of Gacaca Jurisdictions in **Rwanda**.

As judges, women are in a position to affect change for women and contribute a new perspective to cases in general. For example, in every ICTY case resulting in significant redress of sex crimes (perpetrated against women *and* men), women judges were on the bench.²⁸

WOMEN AS WITNESSES

Women are also important witnesses, providing information about crimes committed against them and family members to truth commissions and courts. In **South Africa’s** TRC, 52.9 percent of witnesses (11,271 out of 21,297) were women.²⁹ It was accepted that mothers could speak and cry on behalf of their children, whereas men were not as comfortable showing emotions publicly.³⁰

Women who testify often do so at great personal risk. In the ICTY, many **Bosnian** women who were raped were afraid to testify out of fear that they would never be able to marry, that they would be shamed by society or that their attackers might seek revenge. After demanding protection before, during and after the trial, some women did come forward despite the risks.³¹

When women do come forward—they were 21 percent of witnesses at the ICTY—they provide critical testimony on a range of crimes. In the words of an ICTY investigator, “Women often heard and saw things that men did not, including mass murder and rape.”³²

WOMEN AS PERPETRATORS

While women are often victims of war crimes, they also have been perpetrators, though generally on a far lesser scale than men. In **Rwanda**, approximately 3,000 women (out of more than 100,000 people accused nationwide) are awaiting or have been tried as perpetrators of genocide.³³ In many cases, women participated in lesser crimes and were bystanders, witnesses, accomplices or agitators.

WOMEN AS CIVIL SOCIETY ADVOCATES

As noted above, women have organised through civil society to participate in transitional justice processes.

Where no transitional justice mechanism has existed, women advocates have often organised and advocated for their creation. Asian women and human rights organisations, after a decade of advocacy and awareness raising, organised an international “people’s tribunal”—without legal standing but with strong symbolic implications—to try **Japanese** military leaders for acts of rape, torture and slavery against so-called “comfort women” in the 1940s. The Women’s International War Crimes Tribunal ruled in December 2001 in The Hague that Japanese generals were guilty of crimes against humanity.³⁴ Although not binding, this verdict raised awareness and set precedents; for example, the Canadian Bar Association publicly and officially acknowledged the judgment of the tribunal and urged the Canadian government to do the same.³⁵

At the ICTY, the significant advances in international law were a direct result of successful lobbying by international women’s groups and **Bosnian** women’s organisations. According to a 2004 study, chief

prosecutor Richard Goldstone claims “that if women had not been involved with the tribunal in its early years, there might not have been any indictments for gender-based crimes.”³⁶

In **South Africa**, a study titled “TRC and Gender,” produced in 1996, documented 33 years of repression of women’s perspectives throughout truth commissions.³⁷ This report is seen as one of the most successful civil society lobbying efforts to influence the TRC. It resulted in:

- the inclusion of gender-based and sexual violence in the definition of gross human rights violations;
- changes to the statement protocol to inform women of the importance of relating incidences during which they themselves were the victims; and
- the addition of special women-only hearings.

In **Peru**, women’s organisations advocated for a focus on women and gender-based crimes in the truth commission. The Truth and Reconciliation Commission of Peru sponsored a programme that “developed training documents and communication strategies, circulated suggestions for investigators and guidelines for interviewers, ran workshops, produced educational documents for the public, and created a gender working group...These initiatives encouraged integration of gender throughout the commission in a multitrack approach that mainstreamed gender while also treating it as a specific focus area.”³⁸

In **Rwanda**, ProFemmes/Twese Hamwe, a collective of 40 women’s NGOs throughout the country, conducts a variety of projects to maximise women’s participation in *gacaca*. These include advocacy for the integration of a gender perspective in implementation of the *gacaca* law and awareness-raising sessions for 100,000 women leaders, local government representatives and persons in detention centres.³⁹

In addition to these efforts, women in civil society are working to ensure access to justice within their countries, as well. In **Cambodia**, a network of 62 women’s organisations has worked with the women’s ministry to draft a domestic violence law that remains in limbo before the National Assembly.⁴⁰ UNIFEM writes: “...without laws that adequately protect them from domestic violence, rape, and other

gender-based violence, women cannot seek justice or compensation...⁴¹

WOMEN AS BRIDGES TO LOCAL COMMUNITIES

Women often play an important role in transitional justice at the local level as links between official processes and communities. In **Bosnia and Herzegovina**, “local women’s groups were particularly active in counselling and materially supporting survivors of wartime abuses. Because they had already forged relationships with victims and survivors, members of these groups were in the position to serve as witnesses. Investigators...spoke of Bosnian women’s groups as important ‘communication links’ between The Hague and Bosnian people and, in many cases, as ‘partners’ in the investigation process.”⁴²

Women in communities also facilitate reconciliation at the local level. As individuals, women are disproportionately represented among the social workers, nurses and teachers who assist former fighters in their return to civilian life. Through women’s organisations, they offer services to bring conflicting sides together informally to rebuild society. In **El Salvador**, women have conducted psychosocial programmes for the population because formal processes did not address that need. In **Rwanda**, women—through an initiative led by a woman—have adopted children orphaned during the genocide, regardless of ethnicity, as a mechanism for reconciliation and moving society forward.

Women have also crossed the former conflict divide in order to promote reconciliation between communities of women. In **Bosnia and Herzegovina**, for example, a group of women from Srebrenica formed Bosfam to provide support to women refugees and returnees, many of them widows. These Serb and Muslim women jointly knit sweaters for displaced Serbian children.⁴³

4. WHAT INTERNATIONAL POLICIES EXIST?

International Humanitarian Law (IHL) protects civilians during times of armed conflict (see chapter on human rights). Protection under IHL is enshrined in the four **Geneva Conventions** of 1949 and the two

Additional Protocols issued in 1977. It applies to women and men equally, but affords women some special protection due to their unique circumstances. For instance, it states that women:

- must have separate sleeping and sanitary quarters from men if detained;
- must be granted special protection if pregnant or nursing; and
- are protected against attack, particularly rape, enforced prostitution or any other form of indecent assault.⁴⁴

In post conflict situations, **International Human Rights Law (IHRL)** is also an important tool, for which the foundation was outlined in the **Universal Declaration of Human Rights** of 1948.

In recent years, IHL and IHRL have been further developed to define violations against women as more serious crimes. In the **International Criminal Tribunal for the Former Yugoslavia**, rape was defined in Article 5 of the statute as a “crime against humanity.” The Tribunal, in practice, also prosecuted sexual violence under other articles of the statute, including as a “grave breach” or “violation of the customs and laws of war.”⁴⁵ Furthermore, the **International Criminal Tribunal for Rwanda** ruled that sexual violence is a component of genocide.

Particularly relevant for transitional justice, the **Joinet Principles** were issued in 1997 by Special Rapporteur on Impunity, Louis Joinet and the Sub-Commission for the Prevention and Protection of Minorities of the UN Commission on Human Rights. It outlines victims’ rights in terms of past human rights violations, including:

- the right to know the truth;
- the right to justice; and
- the right to reparation.⁴⁶

Since rape and other sexual crimes have been prosecuted as war crimes under the tribunals in **Rwanda** and the former **Yugoslavia**, a precedent has been established that, when combined with the Joinet Principles, further protects women’s right to access to justice and reparations for sexual crimes.

UN Security Council Resolution 1325 “emphasises the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard, *stresses* the need to exclude these crimes, where feasible from amnesty provisions...”⁴⁷

Most recently, entering into effect in July 2002, the **Rome Statute of the International Criminal Court (ICC)** considers sexual violence a “war crime;”⁴⁸ it acknowledges that “rape is an act of torture, an act of genocide, a war crime, a crime against humanity.”⁴⁹ It further declares sexual slavery, enforced prostitution, forced pregnancy, forced sterilisation and any other form of sexual violence to be grave violations of the Geneva Conventions and war crimes when conducted in international or internal conflicts.

Finally, in reference to these recent standards, UNIFEM notes: “In attempting to set new national standards for their protection, women can look to international conventions and customary laws, the jurisprudence of the ICTY and ICTR, and the ICC statute, and demand that these precedents be used during national trials.”⁵⁰

5. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

1. Advocate for women’s participation in transitional justice mechanisms at international, national and local levels.
2. Connect with international women’s gender justice organisations for resources, tools, models, lessons learned and information on international law.
3. Ensure that women are directly involved in the design and establishment of transitional justice mechanisms so that women are represented in their structures and a gender perspective and women’s concerns are reflected in their mandates.
 - With other women’s groups, strategise to determine how women’s needs can best be addressed in transitional justice mechanisms, whether through women-specific components (such as a special hearing) or integrated throughout the program.
4. Inform the public of the importance of transitional justice to society and of the critical role of women in these processes.
 - Provide materials and workshops for judges, prosecutors, advocates, commissioners and other leaders to raise awareness of women’s issues and concerns with regard to transitional justice and about the lessons learned in other cases and models.
 - Engage with the media to disseminate information.
 - Conduct awareness-raising events and call for open hearings to ensure that the public is informed and can engage with the transitional justice process and to ensure that expectations regarding its outcomes are appropriate.
 - Encourage dialogue and public debate on core issues of transitional justice, including amnesty and reparations.
5. Actively participate in transitional justice mechanisms. Engage directly with the process.
 - Gather and disseminate information.
 - Provide testimony, and include direct experiences as well as those of friends and family members.
 - Develop victim support and empowerment measures.
6. Continue participation in transitional justice mechanisms even after an official process concludes.
 - Evaluate its impact.
 - Shift focus to institutional reform of the transitional government agencies.
 - Track implementation of promises, recommendations and progress.
 - Advocate for the adoption of international conventions and customary laws on the prosecution of sexual violence as precedents to be used during national trials.
7. Consider how to supplement the short-term official transitional justice mechanisms with other long-term forms of reconciliation and rehabilitation (i.e. psychosocial counselling, community healing, etc.).

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ACRONYMS

ICC	International Criminal Court
ICTY	International Criminal Tribunal for the Former Yugoslavia
ICTR	International Criminal Tribunal for Rwanda
IHL	International Humanitarian Law
IHRL	International Human Rights Law
TRC	Truth and Reconciliation Commission
UN	United Nations
UNIFEM	United Nations Development Fund for Women

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Constitutional Rights and Legislation

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In a society recovering from violent conflict or one transitioning from an authoritarian regime, the creation of a new constitution and legislative framework is a key step toward a democratic governing structure. The constitution and legislation are the foundations of the rule of law. The **Rule of law** means that the same constitution and set of laws govern and protect everyone (see chapter on democracy and governance). In the last several decades, countries around the world have created new constitutions, established new governing institutions and enacted new legislation as part of the process of peacebuilding and democratic transformation. More than half of all the written constitutions in the world have been drafted since 1974.¹

Transition periods offer brief windows of opportunity to review and redraft constitutions and laws. The manner in which this is done, the principles that are embraced and how the legal structure is enforced have long-term repercussions for peace, security and democratic development. They can also have significant effects on the social, political and economic status of different sectors of society (e.g. ethnic, racial and religious groups), including women. This chapter is divided into two sections, highlighting the major elements of constitutional reform and legislative creation with a specific focus on the challenges and opportunities for women in societies emerging from conflict.

1. WHAT IS A CONSTITUTION?

The **constitution** provides the overarching legal framework for a country. It is the highest form of legal authority in a state, and no other laws enacted by the government can contradict it. Constitutions are usually, but not always, written documents. The constitution contains the fundamental principles of government and enshrines the basic rights of individuals in relation to the state. It also establishes the basis for political and judicial systems.

Constitutions vary widely in structure and substance. There is no single model for achieving the perfect document for a democratic foundation. However, the constitution should embody core values, including fundamental freedoms, human rights and a separation of powers within the government. The Constitution should be **gender sensitive**—it should include the rule of law, gender equality and the human dignity of every citizen.²

2. WHO DRAFTS A CONSTITUTION?

In the past, constitutional drafting processes were usually closed to the public and conducted almost entirely by elites. However, there is a growing trend to expand participation in these processes with increasing involvement of civil society groups.

THE PARTICIPATORY APPROACH

The recent participatory approach to constitution creation is based on international legal instruments and decisions that emphasise the right of democratic participation. For example, the **Universal Declaration of Human Rights** (Article 21) and the **International Covenant on Civil and Political Rights (ICCPR)** (Article 25) provide for the right of democratic participation. In addition, the **United Nations (UN) Commission on Human Rights** has articulated the specific right to participate in constitution making.³

Various mechanisms can be used for the constitutional drafting process. They include, but are not limited to

roundtable meetings, independent constitutional commissions, legislative commissions, national conventions and public referenda. Some of these mechanisms provide less opportunity for broad participation than others (e.g. entrusting the drafting and approval process to the legislature or a commission of the legislature does not involve the public directly). Public referenda offer a more direct approach, but the public can only vote on the proposals that have already been put forward and have limited ability to influence what is included in the final document.

Alternative approaches such as special, independent commissions and assemblies with public input throughout the process can increase the level of public participation and build public support for the final document. Such bodies can be appointed or elected or a combination, and more than one may be established to handle each phase of constitution making. In **Afghanistan**, a constitution-drafting commission was first appointed to prepare a preliminary draft, followed by a constitution review commission that engaged with the public for suggestions. Finally, a Constitutional Loya Jirga was convened by a combination of presidential appointments and direct elections to adopt the final document.⁴ In **Uganda**, a commission was appointed based on merit to consult with the public and draft the constitution. A constituent assembly was then elected, representing various interest groups (including women), to discuss and approve the final document.⁵

Whatever method is chosen, it is essential for it to be fully representative of the social groups and political interests within society. No party or interest should have a dominant voice. Women should be represented in bodies formed for constitution making and approval. In **East Timor**, at least 40 percent of the constitutional commissioners were women.⁶ In **Afghanistan**, women were represented on both commissions (although not in equal numbers with men), and the mechanism for selecting the Loya Jirga included a minimum of 20 percent seats for women.⁷ In **Zimbabwe**, the process failed because it was not inclusive. The appointed constitutional commission was controlled by one party and did not adequately include women. When the constitution was voted on by referendum, the public rejected it.⁸

The process for creating the constitution should include at least three steps: civic education, public consultations and drafting.

- **Civic education** is an essential first step. The goal is to increase public understanding of the drafting process and the importance of the constitution in a democracy. This process can also help identify the issues of concern for local populations and various interest groups. Special initiatives can be implemented to reach out to rural and urban areas, utilising a variety of media. In **Eritrea**, this was done through songs, poems, stories, radio and local theatre in various languages.⁹ These could include efforts to improve the education of women regarding the constitution.
- During public consultations, the drafters could present specific questions and issues to the public to solicit views.¹⁰ The drafters could meet with representatives from various civil society groups, including women, to develop the central principles of the document. In **Nicaragua**, this was done by distributing drafts, televising debates and holding town-hall open forums.¹¹ In **Rwanda**, consultations were held throughout the provinces. Consultations should continue throughout the drafting process to ensure that there is transparency and that suggestions are incorporated. The consultations should not be rushed—sufficient time is needed to develop a constitution that is supported and understood by the public.
- Constitution drafters should not assume that women's views or rights would be included without special measures, such as separate meetings with women or other mechanisms to support their participation. In **East Timor**, a working group was formed on women and the constitution, which organised consultations around the country.¹² In **Rwanda**, a women's committee conducted training, awareness and sensitivity programmes on the constitution around the country.¹³

WOMEN'S CONTRIBUTIONS TO CONSTITUTION MAKING

The participatory approach to constitution making has created new opportunities for women to make a direct contribution to the process and to influence the text. Women have been instrumental in demanding a

more participatory approach and in utilising openings for public input to press for their concerns. In **Nicaragua**, women were vocal in their opposition to the first draft of the constitution because it did not specify equal rights for women and men. Nicaraguan women insisted that such language be included in the final draft.¹⁴ In **Uganda**, women spoke out as members of the constitutional commission and the constituent assembly and through their involvement in NGOs.¹⁵ In **Cambodia**, civil society played a pivotal role in making the constitution through public meetings and demonstrations, and women were the driving force behind this civil society movement. Women discussed their suggestions for the constitution, organised workshops and meetings, participated in public demonstrations and worked with legislators to get their recommended language into the document.¹⁶

International and regional institutions have provided support for various programmes that involve women in the constitutional process. In **Afghanistan**, the UN Development Programme (UNDP) and the UN Assistance Mission to Afghanistan (UNAMA) worked to support the development of Afghanistan's Constitution and to involve the broad participation of women through such methods as consultations with women's civil society organisations.¹⁷ In **Rwanda**, the UN Development Fund for Women (UNIFEM) provided funding to the Legal and Constitutional Commission to mobilise, educate and involve women in the process of drafting the new constitution and helped increase the percentage of women at the national convention to review the draft constitution.¹⁸ In **Rwanda** the Inter-Parliamentary Union (IPU) provided technical and financial support to facilitate a dialogue among women's groups and parliamentary members on how to incorporate gender considerations into the constitution.¹⁹

Where women have played a significant role, the resulting constitutions have incorporated language on gender equality and women's rights. In **South Africa**, women's and other civil society groups had access to the process, and equal rights and non-discrimination are reflected in the final document.²⁰ In **Uganda**, women participated in the constitution process, and the final constitution included strong language on the promotion and protection of women's rights.²¹ In **East Timor**, as a result of women's participation in the process, non-

discrimination on the grounds of gender is one of the fundamental objectives of the state.²²

3. WHAT ARE THE CORE COMPONENTS OF THE CONSTITUTION?

Just as processes for creating constitutions vary from case to case, so do the structures and texts of constitutions. Constitutional documents usually include the following basic elements: preamble; fundamental rights and freedoms; division of powers to prevent the concentration of power in one branch of government; structure of government institutions (executive, legislative and judicial); and the political system (presidential or parliamentary).

One of the preliminary considerations when drafting a constitution is the level of detail to be included. The level of detail directly corresponds to the degree of flexibility for interpretation and change. The constitution is a document that must have some capacity to evolve as time passes. However, because it embodies core principles of the state and fundamental rights of the individual, it should not be too easy to modify or reinterpret. A more detailed document provides more stability and leaves less room for differing interpretations. The drafters need to determine how much detail to include, how much flexibility to allow for interpretation and how to define requirements for changing it in the future.

INTERIM CONSTITUTIONS

In many countries transitioning to democratic rule, an **interim constitution** may be a necessary step. Interim constitutions vary in length and depth. At minimum, it should describe the structure of the government, its powers and responsibilities, the fundamental rights of individuals and the procedures for creating a permanent government. In **Rwanda**, **Ethiopia**, **Eritrea**, **Cambodia**, **South Africa**, and, more recently, **Afghanistan** and **Iraq**, interim constitutions and arrangements were created in the transition period leading up to democratic elections.

The **South Africa** interim constitution included all the basic principles that went into the final version. It specified that the Constitution was the supreme law of the country and included chapters on citizenship,

fundamental rights (including equality), branches of government, the process for adopting the final constitution, law enforcement and defence and transitional arrangements. It was so comprehensive that there were few changes in the final version.

In March 2004, Iraq adopted an interim constitution called the Transitional Administrative Law. It briefly details the phases and deadlines of the transitional period, specifies that the interim constitution is the supreme law of Iraq, describes the system of government and defines the official religion as Islam. It also outlines fundamental rights (including equal rights and non-discrimination) and the structure of the transitional government. The document is not as detailed as the South African interim constitution and leaves ambiguities in many areas. These ambiguities leave it open for change and reinterpretation before the permanent constitution is finalised.

INDIVIDUAL RIGHTS

The constitution should guarantee fundamental rights and freedoms of individuals, both men and women. Civil, political, social and economic rights are embodied in international human rights instruments, particularly the **Universal Declaration of Human Rights** (see appendix for full text). The Declaration was created as a non-binding instrument, but it is not a treaty. Generally, binding instruments refer to international agreements, both bilateral and multilateral, signed and ratified by individual states. The **International Covenant on Civil and Political Rights (ICCPR)**, the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, and the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** are binding on signatory states. Although the Universal Declaration of Human Rights is not a treaty, through general practice and a sense of obligation among states it has become customary international law.²³

Constitution drafters can draw specific language from each of these instruments for inclusion in their constitution. For civil and political rights, these include, but are not limited to, dignity, equality and non-discrimination; bodily integrity and security; fundamental freedoms; political participation; residency, citizenship, nationality, detention and criminal trial.²⁴ Examples of how various constitutions have incorporated these rights are included below.

Human dignity refers to the respect each person deserves as a member of the human race.

- The **Universal Declaration of Human Rights**, Article 1: “All human beings are born free and equal in dignity and rights.”
- The Constitution of **Rwanda**, Article 12, articulates the rights of human dignity and personal freedom.
- The Constitution of **Afghanistan**, Article 24, defines liberty and dignity as inviolable rights.

Equality and non-discrimination refers to equal treatment under the law.

- The **Universal Declaration of Human Rights**, Article 2: “Everyone is entitled to all rights and freedoms set forth in this declaration, without discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”
- Article 7 of the **Universal Declaration** stipulates the right of equal treatment and protection of the law.
- **ICCPR**, Article 26, guarantees equal protection before the law and prohibits discrimination.
- The **Namibian** Constitution, Article 10: “All persons shall be equal before the law. No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.”
- The **Cambodian** Constitution, Article 31: “Every Khmer citizen is equal before the law.” Article 45: “All forms of discrimination against women are abolished.”
- The **South African** Constitution, Section 9, includes a broad explanation of equality before the law, equal protection and non-discrimination. This section also provides for affirmative action to “protect or advance persons, or categories of persons, disadvantaged by unfair discrimination.”
- The **Indian** Constitution, Article 15, prohibits discrimination on the grounds of religion, race, caste, sex or place of birth.
- The Constitution of **Bangladesh**, Article 28: “Women shall have equal rights with men in all spheres of the State and of public life.”

Bodily integrity and security means that every person has the right to feel secure and to be free from mistreatment and abuse.

- **The Universal Declaration of Human Rights**, Article 3: “Everyone has the right to life, liberty and security of person.”
- **ICCPR** Articles 7–10 prohibit torture and cruel, inhuman or degrading treatment or punishment and slavery and delineate the rights of liberty, security and dignity. Article 4 prohibits slavery and Article 5 prohibits torture and cruel, inhuman or degrading treatment or punishment.
- **The South African Constitution**, Sections 11–13, articulates the right to life, freedom and security of person and prohibits slavery, servitude and forced labor.
- **The Cambodian Constitution**, Article 33, protects against deprivation of nationality.
- **The South African Constitution**, Article 3, outlines equal rights to citizenship and its benefits.
- **Due process** refers to the right to equal treatment under the law and to fair judicial procedures.
- **The Universal Declaration of Human Rights**, Article 9, prohibits arbitrary arrest, detention or exile. Articles 10–11 stipulate the right to a fair and public trial and the presumption of innocence until proven guilty.
- **ICCPR**, Articles 14–15, cover rights in the determination of criminal charges.
- **The Constitution of Fiji**, Sections 26–29, detail freedom from unreasonable searches and seizure, rights of arrested or detained persons, rights of charged persons and access to courts and tribunals.

Political participation refers to the right to actively engage in the civic and political affairs in a country.

- **The Universal Declaration of Human Rights**, Article 21, articulates the right to participate in government, equal access to public service and periodic and genuine elections.
- **ICCPR**, Article 1, delineates the right of self-determination. Article 25 articulates the right to take part in public affairs, to vote and be elected in elections and to have equal access to public service.
- **The Eritrean Constitution**, Article 7: “It is a fundamental principle of the State to guarantee its citizens broad and active participation in all political, economic, social and cultural life of the country. Any act that violates the human rights of women or limits or otherwise thwarts their role and participation is prohibited.”
- The interim constitution in **Iraq** sets a target of 25 percent participation by women in the national assembly.²⁵
- **The Constitution of Slovakia**, Articles 46–50, include the right to an independent and impartial court hearing, right to refuse to testify and rights in a criminal trial.
- **The Constitution of Bangladesh**, Article 33, articulates rights pertaining to arrest and detention, and Article 35 covers rights pertaining to trial and punishment.

Additional fundamental rights and freedoms in international human rights law include those listed below:

- **The Universal Declaration of Human Rights** stipulates the right to privacy (Article 12), freedom of movement and residence (Article 13), marriage (Article 16), property ownership (Article 17), freedom of thought, conscience, and religion (Article 18), freedom of expression (Article 19) and freedom of assembly and association (Article 20).
- **ICCPR** articulates freedom of movement (Article 12); privacy (Article 16); freedom of thought, conscience and religion (Article 18); freedom of expression (Article 19); peaceful assembly (Article 21); association (Article 22); and marriage and family (Article 23).
- These rights are articulated in constitutions in **South Africa, Rwanda, Fiji, Cambodia** and other recent constitutions.

Residence, citizenship and nationality rights mean that every person has the ability to live in a place of his or her choosing and to claim certain rights as a resident, citizen or national.

- **The Universal Declaration of Human Rights**, Article 15, guarantees the right of nationality.

Economic, labour, social and cultural rights include many other rights outside of the political sphere that impact work, family and community life.

- The **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, Article 3, obligates states to “ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.”
- Articles 6–11 recognise labour rights, including the right to work, the right to favourable conditions of work and the right to form and join trade unions.
- Article 10 recognises the protection and assistance to the family, including maternity benefits.
- Articles 11–13 recognise the right to adequate standard of living, physical and mental health and education.
- The **Cambodian** Constitution, Article 45, protects women from losing jobs due to pregnancy and provides for the right of maternity leave without loss of benefits. The article creates an obligation for the government and society to create opportunities for women to receive employment, medical care, education for children and decent living conditions.
- The Constitution of **Slovakia**, Part 5, guarantees the right to a choice of profession and training, equitable and adequate working conditions, health, education, marriage and family.
- The Constitution of **Afghanistan**, Article 44: “The state shall devise and implement effective programmes for balancing and promoting education for Minority Rights.”

MINORITY RIGHTS

For minority groups, guarantees of non-discrimination, equality and other individual rights may not provide sufficient protections. In a governing system where the majority rules, there is a danger of “tyranny of the majority,” when the majority ignores the rights of the minority. In order to avoid this scenario, it is important for the constitution to address the rights of minorities. In a constitutional democracy, the majority rules, but the majority should be constrained by protection for minorities.²⁶

In religious states, marginalisation of religious minorities can be a problem. Religious states include **Israel** (Jewish), **Nepal** (Hindu), **Iran**, **Pakistan**, **Saudi Arabia**, **Malaysia**, **Sudan** and **Afghanistan** (Islamic).²⁷

A religious state can be a democracy. However, it is a unique challenge to ensure non-discrimination and full participation by minority religious groups in this type of state.

The constitution can provide mechanisms for minority participation and protection of minority interests. Some constitutions include specific provisions that recognise various languages, cultures and religions. The **South African** Constitution has a section on languages (Section 6) that establishes a language board to promote and facilitate the development and use of different languages. The Constitution of **Belgium** recognises linguistic regions (Article 4) and linguistic groups (Article 43). The constitution may also include provisions that recognize cultural, religious and linguistic rights for various communities. Section 31 of the **South African** Constitution protects the right to enjoy culture, religion and language, insofar as these activities do not violate the Bill of Rights. The Constitution of **India** gives minorities the right to conserve distinct spoken and written language and culture (Article 29). The Indian constitution also provides minorities with the right to establish and administer educational institutions (Article 30).

There are ways to structure parliamentary representation to promote minority participation in the government. The constitution can include special procedures, institutional arrangements and legislative and administrative processes that promote the participation of certain groups, such as minorities and women. Plurality and majority systems generally do not help to elect minorities, except where the minorities are concentrated. Proportional representation is a more favourable system to encourage participation by minorities and women. In some countries, such as **Nepal**, political parties are required to nominate a certain number of minorities.²⁸ Some countries set aside seats for minority representation; in Slovenia, two seats are reserved for minorities in the parliament.²⁹ The constitution should explain the procedures for electing parliamentarians, including special procedures to ensure that minorities and women are adequately represented (see chapter on democracy and governance).

In addition, arrangements for power sharing can be devised to facilitate minority participation and to limit conflicts between minority groups and the central government. A federal system in which power is shared between a central government and subordinate provincial and regional governments is one way to structure power sharing and can be articulated in the constitution (see chapter on democracy and governance).³⁰

In some types of decentralised systems, ethnic or other types of groups are considered political entities with autonomy over certain issues, while common issues are handled at the national level.³¹ Federalism includes the following elements: shared executive power among groups; autonomy within each group; proportional representation; and a minority veto on specific issues. Countries as diverse as **Belgium, South Africa, Zimbabwe, India, the Netherlands, Austria, Switzerland, Cyprus, Lebanon and Northern Ireland** have established these types of systems.³² It is important that power-sharing arrangements are explained in the constitution. For example, in the **South African Constitution**, the composition, election, procedures and powers of the National Assembly, the provinces and the local municipalities are described in detail.

WOMEN'S RIGHTS

A constitution's language should reflect equal rights for men and women. Inclusion of this principle throughout the constitution is sometimes referred to as "engendering the constitution."³³ Women should advocate for the inclusion of fundamental rights and freedoms based on international law. Language from international legal instruments, including the Universal Declaration on Human Rights, the ICCPR, the ICESCR and CEDAW, as well as other recent constitutions, can be used as a basis for women to argue for the inclusion of these rights.

The constitution may also provide for affirmative action for women and disadvantaged groups. The **Ugandan Constitution**, Article 33, provides that "women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom." The **Indian Constitution**, Article 15, and the **Bangladeshi Constitution**, Article 28, allow specifically for affirmative action for women. The **South African Constitution**, Section 9, provides that "legislative and other measures designed to

protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken."

INCORPORATING INTERNATIONAL LAW INTO THE CONSTITUTION

The constitution should explain how international law relates to the country's legal system. In some cases, the incorporation is not automatic: When the government signs a treaty, the legislature must pass a law incorporating the treaty into the law. In other states, the treaty automatically becomes part of the country's laws, a process referred to as "self-executing." Recent constitutions reflect a growing recognition that international law should be incorporated into domestic law (the law of the country).

Another central question is how to resolve conflicts between domestic law and international law when they arise. If an act of parliament is contrary to a provision in an international instrument, which source of law is enforced? There is a growing trend to recognise that international law should trump domestic law where they conflict.

The former **Soviet Union** illustrates these trends. Many constitutions in the former Soviet republics incorporate international law into domestic law and provide for the primacy of international law where it conflicts with domestic law.³⁴ The **South African constitution** goes further, recognising both treaty-based and international customary law.³⁵ Both the interim and the final constitutions consider international human rights law, including international customary law, as part of domestic law.³⁶

The direct application of international law in the legal system of a country and the primacy of international law over domestic law can benefit women. When international laws and standards such as the ICCPR, CEDAW or Resolution 1325 are integrated into national law, the state is obligated to enforce them.

ADDRESSING CUSTOMARY AND RELIGIOUS LAW IN THE CONSTITUTION

Customary law refers to traditions, practices and cultural beliefs that function as law.³⁷ **Religious law** is a set of laws dictated by a religion,³⁸ such as Hindu law and Sharia law. In countries with entrenched customary and religious laws, constitution drafters

will have to consider and seek to reconcile these issues. Problems arise when a constitution does not address possible conflicts between cultural or religious rights and fundamental rights and address how such conflicts could be resolved.

Drafters may want to develop language that recognises these informal sources of law and attempts to reconcile them with fundamental rights based in international law. This is a challenging task. The constitution may reaffirm the importance of cultural and religious traditions, but it should also reaffirm that these sources of informal law must conform to international law. CEDAW recognises a state obligation to take measures to abolish laws, regulations, customs and practices that discriminate against women (Article 2) and to modify social and cultural patterns to eliminate discriminatory practices (Article 5).

Some constitutions have attempted to clarify the relationship between customs and practices and fundamental rights. The **Ugandan** Constitution (Chapter 24) states, “Cultural and customary values which are consistent with fundamental rights and freedoms, human dignity, democracy, and with the Constitution may be developed and incorporated in aspects of Ugandan life.” The **South African** Constitution (Section 31) outlines the rights of cultural, religious and linguistic communities, but it qualifies these rights by stating that they “may not be exercised in a manner inconsistent with any provision of the Bill of Rights.” In other words, communities are not allowed to enforce customs and practices that violate fundamental rights embodied in the constitution.

The question of how to reconcile Sharia law and international human rights remains controversial. **Sharia law** refers to traditional Islamic law; it is based on the Koran, the holy book for Muslims, and the *summa*, or teachings of the Prophet Mohammad. The central problem is that Sharia emphasises the obligations of the believer as a member of the religious community, while international human rights law emphasises the rights of the individual, and the state’s obligation to protect those rights.³⁹

The interpretation and application of Sharia varies by country; in some it is the supreme law, while in others it is applied selectively.⁴⁰ Some countries, such as **Turkey**, separate Islam from the political sphere

altogether. Some Muslim countries choose not to create constitutions because they consider the Sharia to be the constitution, and some of them have a “basic law,” such as **Saudi Arabia** and **Oman**.⁴¹ However, most Muslim countries today have written constitutions.⁴² In some countries with constitutions, such as **Bangladesh**, Sharia law takes precedence over constitutional rights in practice.⁴³ In **Pakistan**, the constitution was originally a secular document, but religious amendments have been integrated into it over the years, thus Sharia law takes precedence over the constitution.⁴⁴

In the recent cases of **Iraq** and **Afghanistan**, attempts were made by drafters to reconcile Islamic and international law by creating hybrid constitutions. These constitutions allow for the application of Islamic law in certain situations but attempt to make governments accountable to international norms. However, these experimental arrangements do not clarify completely the relationship between Sharia and international human rights laws. Some of the ambiguities leave women’s rights open to interpretation. The **Afghanistan** Constitution, for example, has no provision addressing possible contradictions between Islamic law and gender equality.⁴⁵ In addition, the Afghanistan Constitution provides that “no law shall contravene the tenets and provisions of the holy religion of Islam” (Article 3), which means that Islamic law takes precedence over any other law that is inconsistent.

There is increasing recognition that women’s rights under international law should be placed above traditions and beliefs that discriminate on the basis of gender. The validity and interpretation of such discriminatory customary and religious laws are being debated, as countries attempt to reconcile these various sources. Women continue to press for constitutions that not only recognise the importance of traditions, customs and religious beliefs, but also clearly place women’s rights of equality and non-discrimination above inconsistent customary and religious law.

4. HOW ARE CONSTITUTIONAL RIGHTS GUARANTEED?

PROTECTING CONSTITUTIONAL RIGHTS

It is essential that constitutional rights be enforced and protected. All levels of government should be

required to enforce the constitutional provisions and apply international standards in decisions and policies. The constitution should detail this requirement in a provision on implementation and interpretation.

Specific procedures need to be established to consider whether legislative, executive and administrative acts conform to the constitution (constitutionality). In some countries, all courts at all levels have the authority to consider constitutional issues through a process called judicial review. In many countries, the power of constitutional review is restricted to one court—a supreme court, special chamber of a supreme court or constitutional court. Other countries delegate this responsibility to non-judicial entities. Increasingly, separate constitutional courts are the favoured mechanism for constitutional review. The mechanism of review must be entirely independent of the executive and legislative branches.

The judiciary is required to protect constitutional rights, including those of minority groups that may be underrepresented in the political process. In the US, for example, the judiciary applies “heightened” or “strict” scrutiny when considering the constitutionality of laws that may discriminate against certain groups because there is a recognition that the majority controls the decision-making process and can disadvantage the minority.

The constitution may provide for various commissions to monitor specific constitutional rights. Some constitutions establish a human rights commission or an ombudsman for this purpose. The constitution of Fiji established a public education commission to inform the public about the nature and content of the bill of rights and to make recommendations to the government about compliance with human rights standards. The South African Constitution provides for a human rights commission to promote human rights, monitor the observance of human rights, investigate cases of human rights violations and take steps to secure redress for individuals in cases of violations. In the Constitution of Nepal, the Commission for the Investigation of Abuses of Authority conducts inquiries and investigations relating to improper conduct or corruption by public officials.

The constitution may establish an ombudsman’s office to advocate on behalf of minority groups and

to investigate cases of discrimination.⁴⁶ Article 32B of the Constitution of Hungary, for example, establishes a Parliamentary Ombudsman for the Rights of National and Ethnic Minorities; the ombudsman is elected by parliament based on a recommendation by the president.

Monitoring and enforcement mechanisms for the protection of constitutional rights should be gender sensitive. Women should be represented on the constitutional court or other body that determines constitutionality questions, and equality provisions should be considered important aspects of constitutional review. In Uganda, for example, the constitution provides that “the state shall ensure gender balance and fair representation of marginalised groups on all constitutional and other bodies.” Entities that are established to review questions of constitutionality or monitor the implementation of constitutional rights should receive gender training.

ENFORCING RIGHTS DURING A STATE OF EMERGENCY

Special protection for constitutional rights should be established in case of a state of emergency, which occurs when a government suspends normal procedures in response to a serious threat or crisis. Under international law, the situation must be a public emergency that threatens the existence of the state.⁴⁷ In some cases, constitutions are suspended and legislative power is curtailed. In these situations, human rights and constitutional rights are at risk of violation.⁴⁸

The first step in protecting constitutional rights under these conditions is to include specific rules for the declaration, approval, maintenance and termination of a state of emergency in the constitution itself. The power of the executive branch in emergency situations should be defined and limited in the constitution (e.g. prohibiting the extension of terms in office, suspending elections, obstructing political competition, altering the constitution or dissolving the legislature).⁴⁹ The constitution should also set out the authorities and responsibilities of the other branches of government; it may provide for the legislature to be notified, consulted for approval or issue a declaration to establish a state of emergency.⁵⁰ The constitution should also establish a time limit on the state of emergency and how it can be extended. For example,

the **South African** Constitution, Section 37, specifies that a state of emergency can be declared only in cases where “the life of the nation is threatened by war, invasion, general insurrection, disorder, natural disaster or other public emergency.” In such cases, a declaration of a state of emergency is only valid for 21 days unless the parliament extends it for no more than 3 months at a time.

Many constitutions have specific provisions that describe the procedures and powers of the executive and legislative branches of government during national emergencies.

The constitutions of **Hungary, Switzerland, the Netherlands** and **South Africa** require a state of emergency to be declared by Parliament. In the **US, France, Nigeria, Nepal** and **India**, the executive declares a state of emergency, in which case the constitution usually requires that the legislature approve the executive declaration within a short period of time. Generally, it is the prerogative of the legislature to decide whether to extend the state of emergency before it expires.

During a state of emergency, a government may have the authority to curtail certain constitutional rights. This is called derogation of rights. The derogation of rights is strictly limited under international law in the **International Covenant on Civil and Political Rights (ICCPR)**. Article 4 states that in a public emergency, state parties may derogate certain rights “to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the grounds of race, colour, sex, language, religion or social origin.”⁵¹ Thus, a state party to the ICCPR must take into account all of its international obligations—both in treaties and in general international law—before derogating any rights and is prohibited from implementing discriminatory laws or policies.

The ICCPR prohibits derogation of certain fundamental rights, including right to life; prohibition against torture or cruel, inhuman or degrading treatment or punishment; prohibition against slavery; legality in criminal law; and freedom of thought, conscience and religion. In addition, the **UN Human Rights Committee**, in its General Comment 29 on States of

Emergency, added the following rights that must be protected in emergencies: the right to be treated with humanity and respect for the inherent dignity of the human person; prohibitions against taking hostages, abductions or unacknowledged and unexplained detention; rights of persons belonging to minorities; prohibition against forced displacement; prohibition against advocating national, racial or religious hatred; requirement for state parties to provide remedies for violations of rights; and the right to a fair trial.

Section 37 of the **South African** Constitution reflects these limitations by stipulating that “any legislation enacted in consequence of a declaration of a state of emergency may derogate the Bill of Rights only to the extent that the derogation is strictly required by the emergency; and the legislation is consistent with the Republic’s obligations under international law applicable to states of emergency.”⁵² This Constitution also articulates the right to seek redress for violations of rights through the court system and the obligation of the judicial branch to promote the Bill of Rights. The Constitution of **Fiji**, Section 187, allows the derogation of some specific rights if certain conditions are satisfied during a national emergency. The Constitution of **Fiji** also specifies that laws made under a state of emergency must be consistent with the country’s obligations under international law.

At a minimum, a provision should be included in the constitution that addresses a state of emergency situation. The provision should specifically define a state of emergency, the procedures for declaring an emergency and the process for extending it, as well as the possible areas of derogation of rights, availability for individual redress if rights are violated and the responsibility of the state to uphold its obligations under international law, including those relating to non-derogable rights and non-discrimination. In addition, the legislative and judicial branches of government, civil society and the general public should monitor the situation closely to protect their rights from unnecessary restrictions and to prevent the executive from abusing its power. Women and NGOs should play a central role in ensuring government accountability during any state of emergency.

Priorities for Women in Constitution Making

Constitution-Making Process

- a high level of public participation in the constitution-making process; and
- special initiatives to include women in the education, consultation, and drafting phases.

Constitutional Language

The constitution provides a legal framework for all aspects of a country's social, economic and political life. Women need to understand the implications of the provisions and the language. Key issues to focus on include:

- separation of powers among the branches of government;
- criminal liability of members of government or parliament;
- individual rights that reflect international standards;
- incorporation of international law;
- limitations on customary and religious law in cases where it is inconsistent with international human rights;
- rights of minorities or diverse ethnic groups and power-sharing arrangements to promote their participation in decision-making;
- constitutional review and other monitoring mechanisms to protect rights; and
- protections in cases of emergency.

5. WHAT IS LEGISLATION?

Legislation refers to laws enacted by a legislative body (e.g. a parliament, congress or national assembly). The structure of the legislative branch, along with the other branches of the government, should be explained in the constitution. The constitution may describe in detail the basic structure, composition, authority, elections and procedures of the legislature. All legislation affects women, and in turn women legislators can be influential in a number of ways. This section focuses primarily on legislative issues that have a direct impact on women's rights.

6. HOW CAN WOMEN'S RIGHTS BE INTEGRATED INTO THE LEGISLATIVE PROCESS?

There are various ways of promoting women's rights in the daily functions of the legislature. Some countries have tried to improve **gender balance** in their legislatures by reserving a certain number of seats for women or by establishing quotas for the

percentage of women in the legislature. These requirements should be described in the constitution. For example, the Constitution of **Afghanistan** provides for at least two female delegates from each province in the house of representatives. Of the one-third of senators selected by the president, 50 percent must be women. The **Rwandan** Constitution allows quotas and reserved seats for women in both houses of its parliament.⁵³ In **Bangladesh** a constitutional amendment was passed after years of lobbying by women that increased women's reserved seats in the legislature to 45 seats. However, these seats are filled using a system of indirect election while women continue to advocate for direct elections.⁵⁴

Although attaining gender balance is one step toward ensuring the inclusion of women's rights in legislation, it is by no means enough. Indeed many women legislators are not always conscious of the gendered dimensions of their work or in some instances prefer to address other issues, as they do not want to be limited to a single issue. Furthermore, when there are few women in the legislature, they do not have sufficient support to address women's rights issues. One way of overcoming

this is by creating cross-party women's caucuses or committees. Legislatures often create small groups of members—committees or caucuses—that focus on specific topics such as the environment, foreign affairs or defence. Women's perspectives can be incorporated into these activities by requiring gender equity on parliamentary committees or by ensuring that women's caucuses follow the agenda and policy developments of the committee and insert gender perspectives. In **Rwanda**, a parliamentary subcommittee on gender examines each law to determine its impact on women.

Another approach is to create gender focal points within parliamentary committees. For example, the **Guatemalan** Congress created the Congressional Commission on Women, Minors and Family, which is working on reforming provisions of the criminal code that affect women's rights.⁵⁵ In order to ensure that women representatives are not marginalised from the voting process, one option is to require a certain minimum number of women legislators to be present for a vote on a bill.

7. HOW CAN WOMEN PROMOTE GENDER EQUALITY THROUGH LEGISLATION?

Discrimination can occur in the letter of the law (in the words drafted) or in the application of law. In many countries, laws discriminate against women in one or both of these ways. In addition, women often face discrimination in customary and religious laws and practices. Legislatures should review legislation, amend outdated laws and enact new laws to address these problems. CEDAW includes provisions on eliminating gender discrimination in such areas as politics, nationality, education, employment, health care and marriage and family. The following is an explanation of some areas of law that often discriminate against women. It is not an exhaustive list. It is important to recognise that all areas of law can include discriminatory provisions that affect women thus each piece of legislation should be examined and modified to eliminate gender discrimination.

CITIZENSHIP AND NATIONALITY LAWS

Laws governing nationality and citizenship are extremely important because they define the requirements for a person to be considered a citizen

and to be entitled to all the benefits that accompany citizenship. Some citizenship and nationality laws discriminate against women by recognising citizenship only through paternal lines, depriving women of their nationality if they marry foreign nationals, or failing to allow for naturalisation of foreign spouses of women. These types of provisions restrict a woman's capacity to maintain her citizenship and to pass it along to her children.

Legislation should give women equal rights regarding all aspects of nationality and citizenship and equal rights to pass on citizenship to children, specifically when women are denied rights because they marry a citizen of another country.

One of the major successes for women's equal citizenship rights occurred in **Botswana**. A woman challenged the country's Citizenship Act under which children of women married to foreigners were not entitled to citizenship, whereas children of men married to foreigners were entitled to citizenship. The Botswana Appeals Court invalidated the law as unconstitutional. As a result, the government passed the Citizenship Amendment Act in 1996, which eliminated discrimination against women with respect to transmission of citizenship to their children.⁵⁶

Some Muslim countries have made improvements to citizenship laws in recent years to allow a woman who marries a foreigner to pass on citizenship to her children. In 2001, **Pakistan** amended its citizenship law to provide a woman married to a foreign man with the right to claim citizenship for her children. **Tunisia** modified its nationality legislation, allowing a Tunisian woman married to a non-national to pass on her nationality to her children, provided that they are born in Tunisia. **Jordan** changed the law to grant the right of Jordanian nationality to the children of Jordanian mothers married to non-Jordanian foreign nationals.⁵⁷

FAMILY LAW

One of the most important sections of the civil code for women is **family law**. These laws set out rights and obligations regarding the family, including marriage and dissolution of marriage and child custody. In many cases, family law based on civil, customary and religious sources discriminates against women by placing them in a subordinate status within the family and limiting their legal rights in marriage.

For many women's rights activists, ideally family law articulates the equality of men and women in marriage, provides for the voluntary consent of both parties to enter into a marriage agreement and requires the same minimum age for marriage. Equal rights of divorce and fair divorce procedures, including the division of property and provision of maintenance, could also be stipulated in the law.

In January 2004, **Morocco** adopted a new family law supporting women's equality and marriage and divorce rights. Specifically, the new law provides that spouses share equal responsibility for the family; the wife is not required legally to obey her husband; the wife is entitled to self-guardianship; and the minimum age for marriage is the same for men and women—18 years. Both spouses have the right to divorce, and divorce is by mutual consent. Polygamy is regulated strictly, making it almost impossible; a woman can prevent her husband from taking additional wives.⁵⁸

In **Nepal**, amendments to the civil law in 2002 established a woman's right to seek divorce on several grounds, including physical or psychological harassment by her husband; increased the penalty for polygamy; and improved women's rights to marital property.⁵⁹

A new civil code in **Turkey** revised an outdated legal approach to women in the family. The new family law recognises that spouses are equal in the family, with equal decision-making powers, equal rights over the family abode, equal rights to property acquired during marriage and equal representative powers.⁶⁰

In countries where customary marriages are prevalent but the state does not recognise them legally, women in these unions are denied marital rights. Some countries have attempted to address this problem by passing legislation that gives women in customary marriages legal rights.

In **South Africa**, the Recognition of Customary Marriages Act was passed to protect the legal rights to property, maintenance and inheritance rights of spouses in customary marriages. The law recognises customary marriages as valid if they satisfy a number of criteria, including that both prospective spouses are at least 18 years old and both agree voluntarily to the

marriage. Under this law, spouses share equally in all property, money, assets and debts. Both spouses have equal status in making decisions affecting the property. These rights are protected even if the husband subsequently takes additional wives.

In 2003, **Mozambique** passed a new family law that legalised customary marriages and entitled women who live with partners for more than a year to inherit property. The law stipulates that both spouses share responsibility for the family. It creates an equal minimum age for marriage of 18 years for both sexes.⁶¹ Polygamy is not recognised as legal, but the law entitles women in such marriages to full marital rights.⁶²

PROPERTY AND SUCCESSION LAW

In many countries, statutory and customary laws of ownership and inheritance discriminate against women. Women's rights to land ownership and inheritance are restricted or denied. Some laws provide that women lose access to property upon the death or divorce from spouse, prevent women from holding non-land property because it is considered property of the family, prevent women from gaining additional property aside from dowry, allow a woman to retain only personal effects after divorce, restrict the percentage of inheritance that daughters receive compared with sons and limit the ability of widows to sell or exchange property.⁶³ In many countries, multiple sets of laws (civil, customary and religious) conflict with one another regarding the property and inheritance rights of women.

Divergent property and succession laws need to be brought into conformity, while eliminating provisions and practices that are discriminatory against women. Property and inheritance laws should not provide for different rights based on gender. Women should have equal legal rights to attain, own, transfer and inherit land and personal property. Some countries have passed new property laws that improve women's rights, often in response to pressure from women activists.

In many countries in **Africa**, recent legislative enactments have addressed gender inequalities in property and inheritance rights. In **Tanzania**, the Land Act (1999) and the Village Land Act (1999) give women the right to acquire, hold, use and deal with land; require women to be represented in land

administration bodies; and protect women's rights to co-occupy land. The Land Act overrides customary laws that restrict women's rights to use, transfer and own land.⁶⁴ In Eritrea, the Land Proclamation (1994) gives women the legal right to own and inherit land. In Rwanda, the Inheritance Law (1999) grants female children equal inheritance rights with male children and allows a wife to inherit a husband's property.⁶⁵

LAWS ADDRESSING VIOLENCE AGAINST WOMEN

Violence against women is prevalent around the world in various forms, including domestic violence, rape, sexual harassment, trafficking, female genital mutilation, dowry-related violence and honour killings (see chapter on human rights). Unfortunately, violence against women is often considered to be less serious than other types of violence. In some countries, domestic violence, including spousal rape, is not considered a crime; crimes against women to maintain the family honour are tolerated; and female victims of sexual violence carry the burden of proof in a court of law.

The Committee on the Elimination of Discrimination against Women recognised violence against women as a form of discrimination in CEDAW General Recommendation 19.⁶⁶ The UN Declaration on the Elimination of All Forms of Violence Against Women ("the Declaration") defines violence against women broadly and recognises that violence against women can occur in the family or in the community or can be condoned by the state.⁶⁷ The Declaration states that governments should "exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons" (Article 4). This Declaration is not a legally binding treaty, but is recognised as a source of international law.⁶⁸

Violence against women should be prohibited under criminal law and punishable with the same severity as other crimes. These crimes should not require additional evidence or testimony to reach a conviction. The criminal law should delineate the elements and penalties for violence against women, including sexual assault, domestic violence, trafficking in persons and honour killings and allow

adequate legal redress for victims. The state should be required to establish witness protection programmes and make other assistance available to women.

Because domestic violence occurs in the private sphere, it has often been dismissed by governments as a family issue and outside the reach of the state. However, there is growing recognition that a state's obligation to protect equal rights also extends to those rights within the family. Increasingly, countries are passing laws specifically aimed at tackling domestic violence. International organisations, such as the UN, have supported the adoption of legislation against domestic violence. For example, a report by the UN Special Rapporteur indicated the importance of domestic violence legislation to address the problem.⁶⁹ The Inter-Parliamentary Union has also recommended that member states adopt measures to improve the capacities of their criminal justice systems, to investigate and prosecute domestic violence cases and to impose appropriate sentences for offenders.⁷⁰

Some countries are amending outdated legislation and passing new legislation that improves the legal recourse available to domestic violence victims. Domestic violence laws have been passed in Africa, Europe, Latin America, Asia, the Middle East and North America. In New Zealand, a new law broadens the definition of domestic violence to include psychological abuse, threats, intimidation and harassment for protection orders, education programmes and improved legal services for women.⁷¹ In the Czech Republic, the criminal code was amended in 2002 to recognise domestic violence as a distinct crime, punishable by up to eight years in prison.⁷²

Some countries have enacted new criminal laws pertaining to rape and sexual assault. The laws in Namibia and Croatia define rape broadly and include spousal rape as a crime.⁷³ Chile amended its law to increase the penalties for sexual abuse.⁷⁴

Bangladesh has legislation on violence against women, trafficking of women, dowry and, most recently, passed legislation prohibiting sexual harassment.

In many cases, cultural and traditional values have been used as a justification for violence against

women. The Declaration specifically provides that “states should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination” (Article 4). In some countries, criminal law continues to discriminate against women on this basis. In some countries, the law provides exemptions or more lenient sentences for husbands who commit honour killings. In 2001, **Jordan** repealed a section of its criminal code that exempted from the death penalty men who killed their wives or female relatives. However, a major defect is that judges are still allowed to commute sentences for these crimes.⁷⁵

In Muslim countries, a major debate continues regarding “huddud” crimes and how these laws treat women. Huddud is the part of Islamic law, Sharia, that stipulates punishments for crimes, including “illegal sex” or sex outside of marriage. Women in **Pakistan, Sudan** and **Nigeria** have been sentenced to death by stoning under these laws.⁷⁶ In **Pakistan**, the huddud does not differentiate between rape and adultery.⁷⁷ A victim of rape carries the burden of proof. She is required to produce four male witnesses to prove rape; if she fails, she can be charged with adultery and slander. In **Pakistan**, the Women’s Action Forum was formed in the 1960s to address discriminatory laws against women.⁷⁸ Recently, the Women’s Action Forum introduced a bill to abolish the huddud ordinance and other laws that discriminate against women—but the law was not yet passed.⁷⁹

IMPLEMENTING LEGISLATION

Enacting legislation that conforms to constitutional rights and international standards is a preliminary step for consolidating democratic rule of law. The implementation of the law is just as important as the law itself. The law loses credibility with the public and becomes meaningless if it is not applied and enforced.

It is essential to establish an independent judicial system capable of applying the law correctly and consistently. Judicial reform programmes should be used to improve the functioning of judicial institutions and people’s access to legal redress. Judicial reform may include structural reforms to make the judiciary more independent, training for judges and other personnel, public relations and improved

administration of cases. In **Guatemala**, the World Bank provided a judicial reform loan to support the following reforms: improving court functions and institutional procedures, improving citizens’ access to justice, fighting corruption and restoring public confidence in the justice system.⁸⁰ Training programmes for the judicial branch should integrate a gender component, so that judges, lawyers and court personnel understand international law, constitutional law and legislation as they affect women directly.

In order to change entrenched cultural, religious and traditional laws and practices that discriminate against women, public outreach is necessary. The public could be educated about legal rights through awareness-raising programmes. Such programmes should be designed to reach out to women, especially in rural and remote areas, who are often unaware of their legal rights, and to local authorities and leaders who enforce rights and responsibilities in local communities. Successful outreach efforts have educated communities about legal rights. For example, in **Rwanda**, such efforts helped local populations understand inheritance law.

Specific legislation must conform to the provisions of the constitution. The constitutional review process determines whether laws are in conflict with constitutional provisions. When legislation violates constitutional rights, the law can be challenged and perhaps changed. In some countries, advocates have used constitutional review processes to bring “test cases” to challenge the constitutionality of a statute.⁸¹ This is an important source of redress available to women and other groups; it can be used to challenge a particular law and to push the legislature to enact new laws.

8. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO TO SHAPE THE CONSTITUTION?

1. Mobilise women to participate in drafting and ratifying the constitution and to organise input for the constitution.
2. Establish contacts with international women’s rights groups and legal experts for support in the constitution-making process.

Key Issues for Women to Consider

Legislative Process

- gender balance in the legislature and special committees on gender
- elimination of discrimination in the letter, and the application of all laws

Family Law

- equality of men and women in marriage
- voluntary consent of both parties to enter into a marriage agreement
- equal minimum age for marriage for men and women
- equal rights of divorce and fair divorce procedures
- protection of legal rights in customary marriages

Property and Succession Law

- equal rights to acquire, hold, transfer, exchange and sell property
- equal rights to inherit land
- equal access to all property upon the death or divorce from spouse
- equal rights to hold non-land property

Citizenship and Nationality Laws

- right to pass citizenship through both paternal and maternal lines
- equal rights to retain nationality if a spouse is a foreign national
- equal rights to naturalisation of foreign spouses of women

Laws Addressing Violence against Women

- adequate criminal penalties and procedures and legal redress for acts of violence against women
- fair procedures relating to evidence and testimony that do not discriminate against women
- adequate laws and programmes for the protection and assistance of victims

Enforcing Legal Rights

- an independent and gender-sensitive judicial system
- gender training for the judicial branch
- public education about legal rights
- mechanisms available to challenge legislation that is inconsistent with rights
- training for police and legal professionals to ensure enforcement of laws

3. Circulate sample constitutional language founded in international standards, including:
 - equality and non-discrimination clauses;
 - provisions allowing for affirmative action and providing for minority protections; and
 - qualifying language stating that women's rights under international law have primacy over inconsistent cultural, social and religious laws and practices.
 4. Press for independent mechanisms, with equal representation of women, to monitor and protect constitutional rights, such as:
 - human rights commissions or ombudsman offices to evaluate human rights practices, consider individual cases and provide redress for violations;
 - constitutional review procedures to evaluate and issue decisions on the constitutionality of laws; and
 - an independent judiciary to consider cases fairly throughout the legal system.
 5. Work with local media to raise awareness of the importance of the constitution and women's involvement in constitution making.
 6. Educate women and their communities, especially in rural areas, about constitutional rights.
3. Utilise international and regional expertise and experiences drawn from other countries to ensure that gender is considered in legislation.
 4. Create civil society/governmental/parliamentary alliances to shape policies and legislation collaboratively and to disseminate information at the grassroots level.
 5. Organise seminars and workshops for members of the legislature and judiciary (men and women) to highlight critical issues of concern, how and why they affect women and what legal provisions are needed.
 6. Design and initiate education efforts through media or local dance and theatre groups to ensure that women, especially in more remote or rural areas, and relevant authorities and leaders understand the legal rights of women.
 7. Create a network or support group of men in civil society, parliament and government to emphasise the importance of gender equality for society.
 - Lobby religious leaders to discuss the issues in their weekly sermons and addresses.
 - Find public figures with media appeal who will speak out on behalf of women.
 - Reach out to local male leaders in rural communities to raise their awareness of issues as they impact women and build support.
 8. Use available legal mechanisms to challenge and overturn laws that discriminate on the basis of gender. Advocate for judicial reform and institute gender-training programmes for judges, attorneys and other relevant people from the judicial branch.
 9. Establish contacts and support among the media—newspaper, radio and television journalists—to cover legislative issues as they affect women and to raise awareness about new laws, rights and options for legal recourse.
 10. Document and share information and experiences with women in other countries.

9. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO TO STRENGTHEN LEGISLATION?

1. Monitor proposed and existing legislation and judicial decisions to make sure they conform to constitutional principles and international standards.
2. Establish a special committee in the legislature or other mechanisms to systematically analyse all legislation from a gender perspective to determine how it affects women.

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ACRONYMS

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IPU	Inter-Parliamentary Union
NGO	Non-Governmental Organisation
UNAMA	United Nations Assistance Mission to Afghanistan
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women

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Democracy and Governance

ELIZABETH POWLEY AND SANAM NARAGHI ANDERLINI

Political leaders, the visions they promote and the systems and values they bring to governing a country play a pivotal role in fostering peace and development, promoting oppression or the resurgence of conflict. Since so much is at stake, during peace negotiations there is often great competition for power and the prospect of controlling a government. For countries that have little or no experience with democratic governance, the challenges are immense. But the post conflict environment does provide an opportunity for countries to create new structures of government and systems of “good governance.” In situations where the international community has taken on state-building, its institutions assume some responsibility for issues related to democracy and governance. It is often a period when international aid is more readily available and civil society’s participation is encouraged. It is also a time of opportunity for women. According to the Inter-Parliamentary Union (IPU), in the last five years post conflict countries have “featured prominently in the top 30 of the IPU’s world ranking of women in national parliaments.”¹ In particular, these countries have been effective at using quotas and reserved seats to “ensure the presence and participation of women in newly-created institutions.”²

1. WHAT IS GOVERNANCE?

The term “governance” refers to the process of decision-making and the ways in which decisions are implemented (or not). In any given system, the government is the major actor, but others can influence the process. Non-state actors, such as religious or tribal leaders, civil society, major landowners, trade unions, financial institutions, the military and community-based groups can play important roles.

The following characterise a good system of governance: ³

- participatory—encouraging wide citizen participation in decision-making;
- consensus-orientated—attempting to reach decisions based on widespread agreement;
- transparent—being open to scrutiny in decision-making processes;
- responsive—listening and responding to the needs of its citizens;
- effective and efficient—providing basic services; and

- equitable and inclusive—not excluding sectors of the population, especially those that are more vulnerable or marginalised.

There are many multi- and bilateral institutions that are concerned with promoting what they have termed “good governance” in post conflict and developing countries. Each of these institutions defines good governance slightly differently and has developed its own indicators by which it measures and evaluates progress toward good governance. The World Bank, for instance, has identified six indicators of good governance “to help countries identify areas of weakness so that capacity building and assistance strategies are more effective.” Those indicators are:

- voice and accountability;
- political stability and lack of violence;
- government effectiveness;
- regulatory quality;
- rule of law; and
- control of corruption.⁴

International actors consider “good governance” to be a key for building sustainable peace and long-term development.⁵ Progress toward good governance is increasingly used as a requisite for the provision of aid.

Despite the variations in definitions and indicators of good governance, most institutions agree that good governance typically includes efforts at democratisation and decentralisation, the introduction of free and fair elections, participatory politics, the creation of an independent civil society, guarantee of a free and independent press and respect for the rule of law. Each of these topics, among others, is discussed below.

2. WHAT ARE THE KEY COMPONENTS OF “GOOD GOVERNANCE”?

In countries involved in peace processes, questions relating to governance often consume a significant portion of the discussions; typically demands for democratisation, including elections and timeframes for transition, are addressed. Other related elements include discussions surrounding the nature of political participation, electoral systems, issues of transparency and separation of powers, as discussed below.

DEMOCRATISATION

Democracy is a system of government in which power is vested in the people (the population) and exercised through representatives chosen in free and fair elections. But a democracy does not just mean that “the majority rules.” A democracy also includes and protects the human rights of minorities and respects multiple or “plural” views and opinions. In a democracy people have rights as citizens, but they also have responsibilities to participate in the governance system.

There are many versions of democracies around the world (e.g. electoral, consultative) and ongoing debates about the extent to which “one size fits all” with regard to democracy. The process a country goes through in attempting to become more democratic is referred to as **democratisation**. In order for a country to be truly democratic, all of its citizens—men and women—must be empowered to participate fully in the governance process (as citizens, voters, advocates, civil servants, judges, elected officials, etc.).

FREE AND FAIR ELECTIONS

An election is the procedure by which citizens of a country choose their representatives and leaders and assign authority. Elections must be held regularly so that elected officials remain accountable to the population; if they do not uphold their responsibilities to the electorate, they can be voted out of office in the next election. Elections must be held within a period of time that is prescribed in the constitution, or fundamental law. For an election to be truly democratic, it must be:

- universal—All citizens of a country must have the right to vote and to be elected, without discrimination based on sex, race, language, religion or political affiliation.
- equal—The value of each vote must be the same.
- secret—The balloting must be private so that citizens can participate without being afraid; only the voter must know for whom she or he votes.
- direct—The voters must be able to choose their own leaders without an intermediary.
- wide choice—The voters must have the opportunity to choose from among several available candidates.

The first self-governing country that granted women the right to vote in elections was New Zealand in 1893. Women in Kuwait still do not have the right to vote in 2004.

DECENTRALISATION

An increasingly important component of democratisation in many parts of the world is **decentralisation**. Decentralisation is the process of transferring authority and responsibility from the central government to provincial and local levels. Countries pursue decentralisation for a variety of reasons, including a desire to make the government more receptive and accountable to the needs of its population and/or to respond to pressure from donors to “downsize” central government budgets.

Decentralisation is based upon the notion that various levels of the government have different expertise and abilities to address problems. For example, national defence and monetary policy are clearly best set at the national level, but policies

concerning schools, local police protection and some public services are often better determined at the local level with community input. Critics of decentralisation, however, charge that it weakens parts of the state that, for the sake of peacebuilding and human security, need to be strengthened.

There are three types of decentralisation: political, administrative and fiscal. Political decentralisation involves the election of local-level leaders. Administrative decentralisation occurs when some of the government's decision-making is managed at the local level. And fiscal decentralisation refers to the national government sharing budgetary responsibility for collecting revenues and making expenditures with local government representatives.

Decentralisation processes often include local-level elections. They provide an important opportunity for women to become involved in decision-making in their communities. In Rwanda's 2001 sector- and district-level elections, a special "triple balloting" technique was introduced that resulted in the election of women to 27 percent of district council seats. In those elections, every voter chose one general candidate, one female candidate and one youth candidate. Not only did this system set aside seats for women and youth, it also required that the entire electorate vote for women. In this way, Rwanda's decentralisation programme began to make the election of women more socially acceptable.⁶

PARTICIPATORY POLITICS AND POLITICAL PARTIES

The concept of "participatory politics" refers to the involvement of all citizens in politics and policymaking. This requires a relationship between the government and society in which the participation of citizens and a plurality of views are encouraged. This can be supported by strengthening political parties; encouraging the participation of marginalised groups, such as women and youth; and by strengthening civil society (described below).

The right to convene and articulate political views is a key principle of good governance and democratisation. Political parties are one of the cornerstones of a democratic political system. Parties are critical because they provide a structure for political participation for people with similar beliefs

and interests. By joining together, individuals, who would otherwise not be influential, can make their voices heard in the political process through their support of a political party. Political parties also provide leaders with a space in which to learn the skills needed for governing a society.⁷ A democracy must have more than one major, viable party so that a single group does not dominate the government and voters have a choice. This principle is called **multipartism**. Membership in political parties must be voluntary.

It can be difficult for women to achieve leadership positions within political parties and to be selected as candidates because, in many countries, parties operate or govern themselves without written party rules or transparent procedures. Such lack of openness allows patronage systems and "old boys' networks" to flourish, effectively excluding women from decision-making positions and candidate lists.

In some countries, political parties have adopted internal **quotas** for women's participation to ensure that they always put forward a certain number of women's candidates. Countries as different as Argentina, Botswana and France all have political parties that mandate the participation of women.⁹ An important advocacy strategy for women is to work with political parties to make sure that the party **platform**, the formal declaration of the principles and positions that the party supports, describes its positions on issues important to women.

WOMEN'S POLITICAL PARTICIPATION¹⁰

Women are under-represented in elected office and formal governing structures throughout the world for a number of reasons, including discriminatory social attitudes, lack of education and preparation and structural barriers to their democratic participation. Specific challenges—and some ways in which they can be overcome—are listed below.

Voter Registration and Voting: Women's participation as voters in elections is a critical expression of their rights as citizens in a democracy. Even if the right to vote is not formally denied, there are significant barriers to women's participation as voters. For instance, in order to register to vote, identity and citizenship documentation are usually required. This

Women for Prosperity's Cross-Party Work in Cambodia⁸

Governance in Cambodia is characterised by political violence, intimidation and, because of the dominance of one political party—the Cambodian People's Party—an absence of cross-party cooperation. One party wielding such power has had negative consequences for women's alignment across parties for the purposes of promoting gender issues, particularly at the national level.

Despite this, and in the face of harassment and threats, Cambodian women working through NGOs are at the forefront of building bridges across party lines. Women for Prosperity (WfP) is one of the most effective organisations in this sector. Led by returnee Pok Nanda, WfP has pioneered a programme that not only encourages and enables women to enter politics, but also bridges cross-party divides at the commune level. Among its network are women council members from all sides, including the three main political parties. WfP focuses on the common challenges facing women in politics regardless of ideology and provides ongoing coaching, thus building their skills over time. In preparation for the 2000 commune council elections, WfP supported 5,527 candidates, offering guidance in public speaking, assisting in speechwriting, answering questions from voters and combating challenges from male party members unsympathetic to women's participation. With plans to formalise a nationwide network, WfP has forged new political ground for women's participation. It has also provided an effective model for cross-party cooperation that is limited at higher political levels.

can be difficult for women who do not have documentation in their own name or, particularly in conflict situations, for women who are internally displaced or have fled their countries and lost their documentation.¹¹ Often polling stations are far away and women have no transportation or travel is restricted by custom and tradition. Voting hours can also be difficult for working women or those with childcare responsibilities. Another concern is the problem of “family voting,” which is the practice of women being led into polling booths by their husbands, who effectively do the voting for them. This is a serious problem in some countries and is a clear violation of women's right to vote in free and fair elections.

Election administrators should include women and gender-sensitive men among their ranks and must adopt policies that do not unfairly discriminate against women.¹² If women do not have official identity papers, their identity and eligibility as voters could be verified by others in the village/community. International election observers should receive gender-sensitivity training so that they are able to observe and address the challenges that women voters face. Election day should be made a holiday, or polling stations should remain open for extended hours and be close to or in central locations (e.g.

schools, churches, mosques) accessible to the entire population, including women. Ballots should include photographs and party symbols to aid those voters who are illiterate (a disproportionate number of whom are women).

Voter Education: Voter education includes training on topics such as the mechanics of voting (e.g. that the ballot must be secret) and the accountability of elected officials to voters. Women, particularly rural women, are less likely than men to have access to voter education resources or to be prepared to exercise their franchise. One successful project in preparation for **South Africa's** first democratic elections in 1994 reached out to women voters by deliberately using women as trainers and scheduling sex-segregated trainings so that women could voice concerns and ask questions without interruption by men.¹³

Civic Education: Civic education programmes are an opportunity to train and sensitise citizens about, for example, their rights and responsibilities, democratic principles, the constitution and good leadership. Civic education is a longer and more extensive process than voter education. It should begin in schools and communities long before elections are scheduled and continue after they have been held.

Civic education is based on the concept that a democracy needs an informed and critical population to succeed. Civic education programmes also provide an opportunity to confront attitudes and biases that impede women’s participation in the governance of the country; they should emphasise women’s rights and abilities.

Funding for Campaigns: Campaigning for political office in any country is a costly and time-consuming affair. Initial costs can include starting a petition, establishing a campaign office, gaining name recognition, securing the party nomination, buying advertisements, conducting voter outreach and even paying a monetary deposit to take part in the election. There are a variety of ways in which states and political parties legislate and manage elections and campaigning processes. In some countries parties have a limited time for campaigning. In other instances, the budgets for political party campaigning, or the level of media exposure and advertising they are permitted, are limited by law. For women candidates—particularly those running for office for the first time—raising sufficient funding to contest the election can be a significant challenge, especially when competing against male incumbents. However, some of the barriers can be overcome by tapping into grassroots networks and constituencies. In **Northern Ireland**, the Northern Ireland Women’s Coalition (NIWC) had no funds at the start of their six-week campaign, but its members contributed their own funds and their network developed campaign materials (using cardboard boxes and other household materials) in their homes.

Electoral Systems: There are a variety of electoral systems in the world. Two of the most common—proportional representation and majoritarian systems—have the potential to produce very different results for women candidates.

In **proportional representation (PR) systems** the seats are divided among parties based on the overall percentage of votes that each party wins (and seats are filled by candidates from political party lists). More than one official is elected in each multi-member district. PR is known as a “woman-friendly” system because the multi-member districts provide more opportunities for women to be elected—the more seats, the more potential for women to be

elected. Thirteen of the top 15 countries in terms of women’s representation in parliament, are countries with PR systems.¹⁴ One commonly cited difficulty with such systems is that political parties often fail to win enough seats to govern alone, forcing parties to establish coalition governments. This can potentially lead to large and unwieldy coalitions that have difficulty governing, but it can also be seen as a strength as it ensures that several groups are represented in the governing coalition.

In PR systems, research shows that **closed lists** (where voters choose based on party affiliation only) are often more conducive to the election of women candidates than **open lists**, provided women are placed in winnable positions on the closed lists. In open list systems, voters are able to vote for any of the candidates on the list, which is of concern because sometimes voters intentionally avoid voting for the women among the candidates. Closed lists are especially effective for women if political parties place them either high enough up on the party lists or alternated with men in a **zebra** (every other “stripe” is a woman) or **zipper** list style.¹⁵ The African National Congress in **South Africa** mandates a woman be listed as every third candidate on a party list; women hold 32 percent of the seats in parliament.

In a **majoritarian system** only one official represents each district and the person who gets the most votes wins the seat outright. It is a much more difficult system for women candidates seeking to win election. In the **United States** Congress, which uses a majoritarian system, women hold only 14 percent of seats.

Electoral Management Bodies: Many countries have electoral management bodies (EMBs) that aim to increase public confidence and participation in electoral processes. EMBs have varying mandates, but among their key activities are:

- promoting and ensuring transparency in the financial affairs of political parties;
- reviewing electoral laws and promoting best practices;
- encouraging greater public participation in elections and understanding of democratic processes and principles; and

- ensuring that there is electoral equality both regionally and sectorally—in other words, that the identities and interests of communities are being represented.

EMBs can play a key role in highlighting gender issues in elections by identifying obstacles that prevent women's participation, as well as conducting voter education programmes with outreach to women.

Quotas:¹⁶ One of the most decisive, but controversial, ways to ensure that women are represented among elected officials is the adoption of quotas that set aside or reserve seats for women. Some people feel that quotas are unfair or undemocratic, because they require voters to elect people they might not otherwise choose. Other people fear that women who achieve elected office because of quotas will not be respected because they were not elected on their own merits, but because of their sex. On the other hand, many people favour quotas because they rectify historic exclusion and overcome existing barriers. Quotas can also ensure that women reach a critical mass in legislatures so that individual women are not isolated token representatives. Fundamentally, those who support quotas do so because they feel that women's participation is valuable and necessary for democratic governance.

There are a variety of quotas: those mandated by constitutions, those legislated by parliaments and those adopted internally by political parties. In **Uganda**, one seat from each parliamentary district must be held by a woman, which is a system known as **reserved seats**. In 2004 **Iraq**, the Transitional Administrative Law did not mandate a quota but did set a 25 percent target for women's representation. Quotas are frequently enacted as temporary or special measures, with the expectation that when equitable representation of women can be achieved without them, they will no longer be necessary. However, it is rare for quotas to be removed after being established; often they are strengthened. One exception is **Denmark**, where political parties used to have quotas for women's representation but no longer need them. Without quotas, women in Denmark hold 38 percent of seats in parliament.¹⁷ On the other hand, removing quotas can be detrimental for women. A case in point is **Bangladesh**; following the expiration of the quota

law in April 2001, the number of women parliamentarians dropped from ten to two percent in the October 2001 election. An important concern about quotas is that they are often not respected. **France** is a good example; the law requires 50 percent representation of women, but at the national level, women are 12 percent of representatives.

For many women activists, getting women elected with the use of quotas is only half of the battle. Quotas can guarantee that women are elected in greater numbers but they cannot guarantee that those women will be gender sensitive or responsive to women's issues. Women in civil society should proactively reach out to women legislators and build coalitions to ensure that enough attention is paid to women's concerns. Additionally, women activists need to design mechanisms that will hold women legislators accountable to their constituencies. Women in civil society should also work to support and campaign for women candidates who have proven that they are sensitive to women's issues.

INDEPENDENT CIVIL SOCIETY AND MEDIA

"Civil society" refers to the non-governmental and, usually, non-profit sectors (although some definitions of civil society do include the business community and media outlets). Civil society includes non-governmental organisations (NGOs) such as community associations, trade unions, professional leagues, religious and advocacy groups. It also describes the activity that occurs between the government and individual citizens. Civil society is critical to the development of a democracy because it can represent the views of citizens, hold elected officials accountable to the population and monitor democratic institutions (see chapter on civil society).

From a governance standpoint, the laws and legal procedures developed for the registration of NGOs is also of critical importance. In many cases, the legal framework acts as an obstacle to the establishment of independent NGOs and becomes a vehicle for the government's control of civil society. In other instances if laws are too lax, they do not protect against entities that form NGOs for the purpose of profit or political gain.

Many countries have state-controlled radio and television that the government uses as a medium for

broadcasting its own messages and views. But an independent media is an important pillar of good governance. Civil society groups and political parties should have the right to broadcast and publish information and ideas without fear of arrest or undue pressure. It is also critical to have a truly independent press that is sceptical of all parties, highlights corruption across the board and is not just the “mouthpiece” of one group or another. In states with authoritarian regimes or in the early stages of democracy, the Internet is increasingly used to share information. Similar to civil society, legislation governing media and protecting independent media is of critical importance and should be developed at an early stage.

RULE OF LAW

Respect for the rule of law is another key pillar of democracy. It means that the same constitution and set of laws govern and protect everyone and that all citizens are equal. It requires an independent judicial system that is fair and transparent and that prevents the government from wielding arbitrary power.

Constitutionalism and Legal Rights: A country’s constitution is its fundamental or supreme law, its overriding legal framework. It must guarantee the rights of all its citizens—women and men—and is critical to the development of a stable democracy. Because of their central importance, constitutional issues and legal rights are addressed more fully in a separate section of this toolkit.

Judicial Independence and Impartiality: The judiciary is the system of courts that oversees legal proceedings and makes up the judicial branch of government. The courts must be independent from the other branches of government. “If a judiciary cannot be relied upon to decide cases impartially, according to the law and not based on external pressures and influences, its role is distorted and public confidence in the government is undermined.”¹⁸

Women, especially, face challenges vis-à-vis the judicial system. In addition to laws and statutes that discriminate against women, “corrupt judicial procedures and the prevalence of ‘old boys’ networks: makes it in many cases impossible for women to win legal battles in a transparent and open way.”¹⁹ However, women can make positive contributions to the justice system by serving as witnesses and testifying about abuses.

Women judges have also contributed significantly to the development of national and international law, especially with regard to gender-based crimes in war. At the International Criminal Tribunal for the former Yugoslavia, in every case that resulted in significant redress of sex crimes (perpetrated against women *and* men), women judges were on the bench (see chapter on transitional justice).²⁰

Anti-corruption: Corruption in government is the misuse of public goods, funds, or office for private gain. It includes behaviour such as embezzlement, fraud and the taking or requiring of bribes for the provision of public services. In addition to undermining economic development, corruption also undermines good governance. “Corruption in elections and in legislative bodies reduces accountability and representation in policymaking; corruption in the judiciary suspends the rule of law; and corruption in public administration results in the unequal provision of services.”²¹ Various studies have demonstrated that women are less likely to be corrupt than men. Research by Women Waging Peace found that, in Cambodia, where a lack of anti-corruption legislation is a major threat to good governance, women were leading anti-corruption efforts within civil society and female politicians were perceived to be less corrupt than their male colleagues.²²

Human Rights: Human rights are the basic rights and freedoms to which all human beings are entitled. The most basic human rights include the right to life and liberty, freedom of thought and expression and equality before the law. The respect for and protection of human rights, including the rights of minorities and of women, is a cornerstone of any democracy. The Universal Declaration of Human Rights and the UN Charter are just two of the many international instruments that delineate basic and universal human rights (see chapter on human rights).

The 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) specifically addresses women’s human rights. Internationally it is recognised that “discrimination against women, in the form of violence in particular, is among the most serious unresolved problems in human rights, pervading all aspects of human rights.”²³ Even if international treaties have been ratified and national legal systems nominally protect

women, customary laws, social attitudes and cultural practices can violate women's human rights.

Monitoring and defending human rights standards requires holding governments, militaries, political parties and other actors accountable. Often, civil society plays an important "watchdog" or monitoring role and is critical to the promotion of human rights. Women all over the world have formed NGOs to monitor human rights violations, educate women about their rights and promote adherence to international standards (see chapter on human rights).

3. WHO DESIGNS AND IMPLEMENTS GOVERNANCE PROGRAMMES?

While governance is often thought of as the responsibility of national authorities, in the aftermath of conflict, international actors often provide an umbrella under which new national structures are formed.

In **East Timor** (2000), the UN mission was responsible for establishing a new state, complete with systems of executive power, parliament and judiciary. In **Cambodia** (starting in 1993), UNTAC (the UN Transitional Authority) was effectively in charge of running the country, while the national authorities were still building their capacities and developing into operational entities, including executive and legislative branches. In **Afghanistan** (starting in 2001), the UN mission is trying to play a supportive role for the governing authorities, but in reality has greater capacity and resources than national actors. The UN Security Council determines the mandate of the UN in each country that hosts a mission.

In addition to the UN, regional organisations such as the North Atlantic Treaty Organisation (NATO) and the Organization for Security and Cooperation in Europe (OSCE) have become involved in post conflict governance and "nation-building" efforts, notably in the Balkans.

Donor countries and their bilateral development agencies (e.g. US Agency for International Development, United Kingdom Department for International Development, Canadian International Development Agency), often through their surrogates (international

NGOs), have a role in designing programmes to support national-level democracy and governance efforts. They work in partnership with a variety of international and local groups, including NGOs, relief and development agencies. Their priorities are determined by the donor country's interests as well as by local needs (for more information on donor countries, see chapter on post conflict reconstruction).

Since the mid-1990s more effort has been put into strengthening civil society capacities to engage in political issues. In **Cambodia** UN agencies such as the UN Development Programme and UNIFEM (the UN's Fund for Women) were active in providing training for civil society and NGO development, encouraging people to participate in political processes and promoting democratic values. Many of the NGOs formed during that time continue to thrive today. Some of the individuals that participated in UN initiatives at the civil society level later ran for election and are now in formal national governance structures such as parliament and government.

In **Rwanda**, local women's civil society, represented by the umbrella NGO Pro-Femmes/Twese Hamwe, has established a consultative process with national-level government, specifically women in the executive and legislative branches. While some charge that civil society has been co-opted or controlled by the national government and that this consultative process is not free of problems, the system does provide space for civil society's input and contributions on all manner of governance issues, including proposed legislation.

4. WHAT INTERNATIONAL POLICIES EXIST TO ADVANCE WOMEN'S PARTICIPATION IN GOOD GOVERNANCE?

Several international instruments exist that facilitate women's involvement in good governance. Three examples are listed here.

- **International Covenant on Civil and Political Rights (1966, 1976)**

The International Covenant on Civil and Political Rights was adopted and opened for signature, ratification and accession by the UN General

Assembly in 1966 and entered into force in 1976. The UN Office of the High Commissioner for Human Rights monitors the Covenant. Article 3 states: “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”²⁴

- **Convention on the Elimination of All Forms of Discrimination Against Women (1979, 1981)**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted and opened for signature, ratification and accession by the United Nations General Assembly in 1979 and entered into force in 1981. CEDAW is monitored by the CEDAW Committee under the auspices of the UN Office of the High Commissioner for Human Rights. It defines discrimination against women as “...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”²⁵ See the Toolkit Appendices for the full text of CEDAW.

- **UN Security Council Resolution 1325 (2000)**

UN Security Council Resolution 1325, which is described at length in other sections of this Toolkit (see chapter on international policies and legal mechanisms), calls for women’s participation in decision-making, conflict resolution and post conflict reconstruction. Specifically, the Security Council in its unanimous adoption of 1325, reaffirmed “the importance of their [women’s] equal participation and full involvement in all efforts for the maintenance and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution.”²⁶

5. HOW DO WOMEN CONTRIBUTE TO GOOD GOVERNANCE?

Evidence from around the world indicates that women are leading efforts to promote good governance. In post conflict countries:

- Women have established coalitions across party, ethnic and conflict lines. In **Rwanda**, women formed the first cross-party political caucus in their country’s parliament. Other legislators have since followed their lead and established cross-party caucuses to deal with common concerns (e.g. population issues), regardless of party affiliation. Women in **Cambodia** and **Bosnia** have created similar mechanisms to reach across traditional dividing lines.
- Women in civil society and political parties have advocated for the inclusion of women (and minorities, youth and the handicapped) in government by quotas or other means.
- Women in civil society have engaged with women in government (often at the Women’s Ministry and in parliament), creating a consultative relationship and a channel for information to flow from grassroots activists and civil society leaders to women who hold positions of authority in government.
- Women have engaged with locally and nationally elected leaders on issues that are important to women. In **Rwanda**, for example, women managed to change the law on inheritance so that women can now inherit property. In other parts of the world, women have advocated for gender-sensitive approaches to land reform, employment laws, family law and other issues.
- Women’s participation has transformed debate on topics that are not traditionally considered “women’s issues.” For example, women in post-apartheid **South Africa** succeeded in democratising the national debate over security and shaping defence policy by consulting widely with the population on causes of insecurity and priorities for the future. South Africa, in part because of the contributions of women, has adopted a “human security” framework as opposed to a solely “military security” approach.
- Women have led NGOs and civil society efforts that highlight abuses. In **Cambodia**, for instance, women civil society activists are leading anti-corruption efforts. Women’s peace groups in **Israel** routinely speak out about human rights abuses.
- Research demonstrates that women in elected office, particularly at the local level, are responsive

to the needs of their citizens, consultative in their decision-making and, perhaps because they are aware of being so closely scrutinised, less corrupt in the execution of their duties.

- Women—both in civil society and in government—monitor progress towards implementation of international instruments that protect women. Women have taken the lead in many countries, for instance, in reporting on CEDAW. The Women’s International League for Peace and Freedom (WILPF) monitors the implementation of UNSC Resolution 1325 through their website <www.peacewomen.org>.

6. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

1. Mobilise and consult with women nationally and at local levels to develop a common agenda or position statement on women’s human rights and perspectives on all issues. Use this to lobby international and local parties and to ensure that they are including gender perspectives in their plans.
 - Develop gender-sensitive briefs on key issues being addressed during election campaigns to highlight the differential impact of policies on women and men.
2. Meet with and train women as candidates for political office at local and national levels, encourage their engagement on all issues and show them that women’s votes matter. Identify a key group of women who have the capacity to enter the national political stage, help strengthen their skills and advocate for their participation.
3. Join political parties or lobby all parties demanding that:
 - they include women among the party leaders;
 - they adopt quotas for women’s participation within the party; and
 - there is a party agenda for women’s rights and equality.
4. Meet with elected officials including the electoral commission and lobby them to make sure that issues of importance to women are on the agenda. Partner with national electoral commissions to undertake a range of activities including:
 - conducting voter education programmes for women;
 - identifying obstacles to women’s political participation including in elections; and
 - providing gender-sensitive training to elected officials.
5. Encourage women elected officials to create a forum for consultation with civil society. Convene meetings for women party members and politicians to meet across political lines and encourage the development of a women’s caucus in parliament.
6. Vote and explain the importance of voting to other women and conduct voter education campaigns.
7. Review all laws and budgets in your country with a “gender perspective” to determine if they include women and address women’s needs. Solicit and collect women’s perspectives on proposed legislation and spending priorities and present these ideas to national-level authorities and donor countries.
8. Monitor progress on implementation and enforcement of existing laws on women’s rights. In constitution drafting, advocate for the inclusion of international norms and standards on women’s equality.
9. Review election procedures and advocate for guidelines and processes (e.g. voter eligibility and registration and polling procedures) that make elections more democratic and more accessible to women. Monitor elections.
10. Push mainstream newspapers, magazines or radio programmes to educate and inform people of their rights and responsibilities and to address women’s issues.

WHERE CAN YOU FIND MORE INFORMATION?

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ACRONYMS

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
EMBs	Electoral Management Bodies
IPU	Inter-Parliamentary Union
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NIWC	Northern Ireland Women's Coalition
OSCE	Organization for Security and Cooperation in Europe
PR Systems	Proportional Representation Systems
UN	United Nations
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women
UNSC	United Nations Security Council
UNTAC	United Nations Transitional Authority in Cambodia
WfP	Women for Prosperity
WILPF	Women's International League for Peace and Freedom

ENDNOTES

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Civil Society

SANAM NARAGHI ANDERLINI AND JUDY EL-BUSHRA

Conflict and violence typically limit or even destroy the capacity of people to provide for themselves and of the state to provide the basic services that enable society to function. Agricultural production and commerce are disrupted. Everyday social functions such as caring for children and the sick are reduced. Formal structures that govern communities are destroyed or become dysfunctional. Health care and social welfare may disappear. Schools may shut down. Rubbish may not be collected. Water and electricity services may be disrupted, causing a rise in illness and epidemics. Police services may become debilitated, leading to a rise in insecurity and increased reliance on fighting factions. In many countries suffering from civil war, “civil society” increasingly has taken on the burden of providing services, caring for communities, speaking out on behalf of the population and attempting to influence the policies and actions of national and international actors vis-à-vis the conflict. This chapter provides an overview of civil society, with an emphasis on the NGO sector. It draws attention to women-led organisations and the opportunities and challenges they face.

1. WHAT IS CIVIL SOCIETY?

The term civil society was originally coined to describe popular movements in Latin America that sought to counterbalance the power of oppressive governments on the one hand and exploitative international financial interests on the other.¹ But it has expanded to include a variety of non-state actors, including formal organisations, informal networks and social movements. Since the end of the cold war particularly, non-governmental organisations (NGOs) have flourished and are increasingly recognised as critical actors in the peace and security arena.

According to the Centre for Civil Society at the London School of Economics, “civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups,

women’s organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy groups.”²

The inclusion of the business sector under the umbrella of civil society is a matter of some debate internationally. Some people are willing to accept the business sector as part of civil society, whereas others perceive the business community to be linked too closely to the government, particularly in some countries. NGOs such as International Alert have developed programmes to promote a peacebuilding role for companies including better ties between businesses and the communities in which they operate in areas affected by conflict.

Civil society is contrasted with the state (government and parliament) and formal political sector (e.g. political parties) as an alternative means of directly representing the will of ordinary citizens that organise in private entities but are active in the public arena.

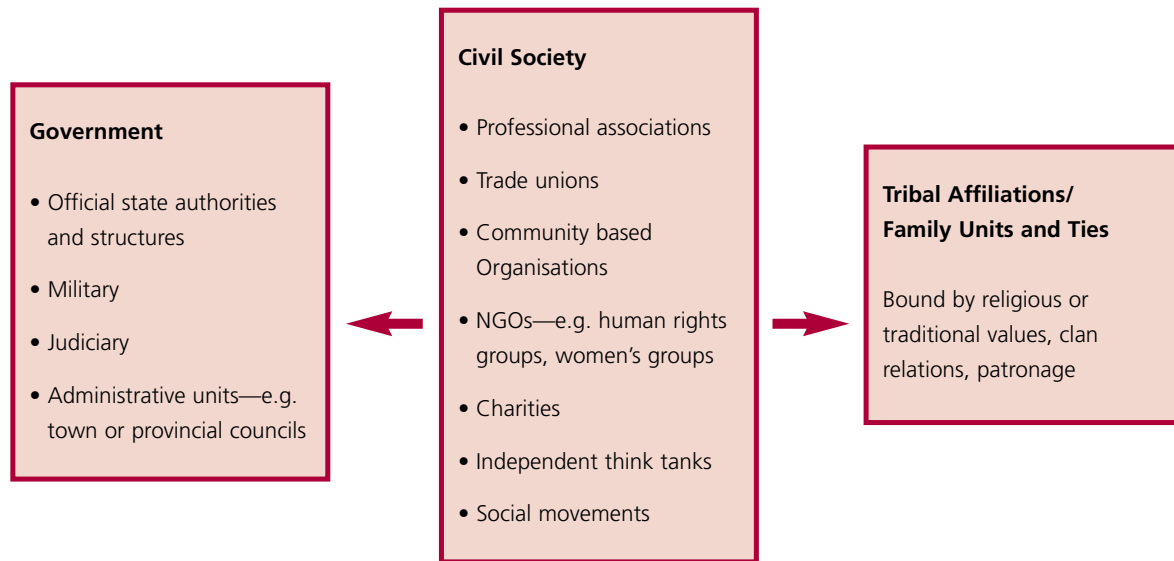
WHY IS A VIBRANT CIVIL SOCIETY IMPORTANT TO CONFLICT-AFFECTED SOCIETIES?

Civil society organisations enable individuals to unite

around different aspects of their identity, rather than just being identified by their social class, religion, political affiliation or ethnicity. For example, a female Muslim medical doctor with an interest in environmental issues in Bosnia can assert her identity as a doctor through the medical association, her interest in the environment through an NGO, her religious beliefs through the mosque. She is not limited to being identified only as a “Muslim” or a “woman.” Through her professional and other interests she is able to interact and establish relations with others in society who may have different religious identities, but similar professional ones. Civil society entities are an important moderating force in society, providing a middle ground between identification through either the state or tribal, familial or ethnic ties (see diagram below). A vibrant civil society can help prevent extremism and a breakdown in relations in societies that have diverse populations, and in which political leaders seek to manipulate support based on identity issues.

internationally recognised. In the “frozen conflict” of Georgia and Abkhazia in the Caucasus (where there is neither all-out war, nor an agreed framework for peace), Abkhaz civil society—particularly the NGO sector promoting conflict resolution—has greater access to the international community than the *de facto* (but not *de jure*) government of the region, and is thus the communication bridge. While the Abkhaz authorities view the potential influence of the NGO sector with concern at times, they also recognise its importance in maintaining ties with Georgia and conveying the Abkhaz perspective internationally.

The term civil society is often used as though it is, by definition, a positive and forward-looking force, with the capacity to represent the popular viewpoint, and whose strengthening will contribute to the establishment of durable peace. But this is not always the case. First, it is only able to represent those groups that are strong and self-aware enough



Where a strong civil society exists, there is greater accountability and civilian interest and participation in governance and political issues. “Impartial information on controversial issues, from human rights violations to corruption, is more likely to be expected from an independent NGO than from a government agency or a business corporation.”³

This is particularly pertinent where the political leadership of one side of the conflict is not

to become organised, leaving the weaker groups unrepresented.

Second, if it truly represents the full range of public opinion and interests in society, civil society will present viewpoints that may be conflicting and, in some cases, reactionary. To the extent that civil society organisations (CSOs) include nationalist groups or groups that have previously been engaged in violent conflict, it may even emerge as a force for

repression, exclusion or the defence of vested interests. In **Colombia**, for example, peace activists believe that some major corporations establish charitable foundations as façades to detract attention from their links to paramilitary activities.⁴

Third, as long as civil society attracts international funding support, it will not be immune from the political or financial influence that international interests may represent. Moreover, while many civil society organisations are explicitly non-political or apolitical, there are also many that have strong political leanings, or focus on issues that are supported by different actors in the formal political arena.

Fourth, as governments and multilateral organisations draw on civil society to provide services, in many cases

people are drawn to the sector because of the potential income they can make, rather than because of their ideology. This is particularly the case with NGOs (see box below). Finally, in many conflict-affected and non-democratic countries, control over civil society is very much in the hands of the state. The state determines which organisations can exist, what issues are addressed, what types of activities and programmes they can develop and how funds (from national and international sources) are disbursed. By definition it means that those groups that are not supported by the government are not permitted to form, become publicly active or gain access to the international community.

Is it possible to establish a strong and dynamic civil society, capable of making government and private

Women's Involvement in Civil Society

Women's civil society activism in the world has increased steadily since the 1970s (although women's organisations have existed historically). Women's exclusion from formal governing structures—elected or appointed positions—has been a driving force behind their involvement as leaders in civil society. Therefore, efforts that promote the inclusion of civil society in peace processes or democratic systems can translate into larger roles for women. Civil society can be a “back door” into the process when women are blocked access to the formal political process.

“The subordination of women has a long history and is deeply ingrained in economic, political and cultural processes. What we have managed to do in the last few years is to forge worldwide networks and movements, as never existed before, to transform that subordination and in the process to break down other oppressive structures as well... we have acquired skills, self-confidence and the capacity to organise for change.”⁵

Through civil society, women have created an autonomous political space where they are free to organise according to their own principles and interests. “Women's interests” can be interpreted in various ways. For some, they are determined by women's supposed essential natures as care givers, so that high on the list of women's interests is the provision of health, education and social services. For others, women's interests are defined by their social positions and the need to defend their rights and would include lobbying for legislation that, for example, enables women to vote or own property on an equal basis with men. For some groups, it is important to focus on ‘specific’ gender issues such as domestic violence or reproductive choice, while others aim to incorporate their activism within broader political platforms, promoting “a general project of social justice.”⁶

These different goals are of course linked; women are not likely to obtain appropriate services unless they have the power to influence decision-making. In many developing countries, women's organisations have stressed the goal of obtaining women's rights as citizens, meaning that their rights to services and their civil and political rights are indissoluble. For example, the Institute of Human Rights Communication in **Nepal** and the Leitana Nehan Women's Development Agency in **Bougainville** work with their governments to raise awareness of women's rights in areas such as domestic violence and women's rights to education.

interests accountable? Civil society normally operates under government legislation and supervision, often using private sector financing. Thus its degree of independence may be limited. Civil society leaders must walk a thin line between constructive challenge and unacceptable opposition, with the risk of being excluded if they are seen as destructive or disloyal. While ideally the government, the private sector and civil society should regulate and monitor one another, in reality civil society is often not sufficiently united and is the least powerful of these groups. As a result, it is often the sector that is targeted first. This is the case both in conflict-affected societies and in countries where democracy is weak.

NGOS AS A GROWING SECTOR IN CIVIL SOCIETY

NGOs are a subset of civil society and represent a growing sector. Between 1990 and 1999, the number of international NGOs rose from 6,000 to 29,000.⁷ They have become increasingly significant actors in international development. NGOs engage in a wide array of activities, including undertaking research, implementing projects, advocating and raising public and political awareness about numerous issues. Many NGOs perform all of these activities, using research to develop programs and support advocacy. According to the Commonwealth Foundation, NGOs are characterised by four key features. They are:⁸

1. *Formed voluntarily by citizens*—There is an element of voluntary participation in the organisation, including voluntary staff or board members.
2. *Independent*—NGOs operate within the laws of the state, but they are controlled by their founders and elected or appointed board. The legal status of NGOs is based on the freedom of association—a basic human right. The 1966 International Covenant of Civil and Political Rights, ratified by 152 countries (June 2004), grants the right to assemble (see section below on NGO laws).⁹
3. *Not-for-profit*—NGOs are not for private gain or profit. They can generate revenues, but only to further their mission. NGO employees can be paid for their work. Board members are typically not paid, but do get reimbursed for their expenses.
4. *Not self-serving in aims or values*—The aims of an NGO must be to improve the prospects and circumstances of people and to address issues detrimental to society at large or to particular sectors.

Ideally, NGOs contribute to civil society by promoting pluralism and diversity, advancing arts and science, promoting culture, motivating citizens to engage in civic life, providing services and creating an alternative space from the state for reflection on key social, political and economic issues.¹⁰

The World Bank classifies NGOs as:

1. **Community-based organisations (CBOs)**, which serve a narrow and often localised population;

NGOS, GONGOS, BONGOS and MANGOS

In many countries in transition as a result of conflict, non-democratic states and post-communist states, opportunities in the NGO sector have led to increased interference and influence on the part of governments and the private sector. As a result, there are BONGOS (business-organised and -oriented NGOs), GONGOS (governmental NGOs) and even MANGOS (mafia-based NGOs). The links with business are perhaps the most long-standing, particularly in the **United States (US)** where the private sector has a history of philanthropic involvement. The Ford Foundation and the Bill and Melinda Gates Foundation, for example, are major actors in the NGO sector, but they have derived their funds from business. However, there is a distinction between the business component and the NGO work. Foundations such as these operate entirely independently of the business, setting their own agendas, operating under separate management systems and having unique areas of interest. They are not BONGOS.

2. **National** NGOs, which operate in individual countries; and
3. **International** NGOs (INGOs), which are often headquartered in the developed world but have operations in developing nations.

The Bank has increased its collaboration with NGOs over the past few decades, working directly with national organisations or CBOs, rather than with international entities.

Despite the increased acceptance of NGOs by international institutions, in many societies—those affected by violent conflict and states with limited or no democratic rule—people have difficulty creating formal organisations and asserting their legitimacy. Often by virtue of their activities, NGOs are under constant threat of closure and having their staff arrested. These difficulties stem from the fact that legislation governing NGOs and their relationship with the state, in some cases, is non-existent or weak. To flourish and gain strength, regulations governing civil society organisations and practices relating to trade unions, public gatherings, NGO formation and operation and a host of other related activities, need to be addressed. Typically, in the face of opposition from the government, there is limited opportunity for civil society activists to pursue legislation that protects their activities and independence. When states are in transition, however—either post war or in the process of democratisation—the opportunity to formulate new legislation and acceptance of NGOs does arise and should be taken, otherwise there is a danger that legislation that does eventually pass would make NGO formation even more cumbersome (see box for key issues relating to NGO laws).

Another common dilemma is that tensions exist between national and international NGOs in many countries. In **Pakistan** many INGOs are perceived to be pillars of western values and ideals, with little interest in the needs of people at the grassroots level. In **Nepal** and elsewhere, salaries and resources available to the staff of INGOs are the cause of resentment, particularly when contrasted with the living conditions of ordinary people. In many instances, locals perceive that the programmes of INGOs counteract those of local NGOs, causing tension and mistrust. This competition between

INGOs and local organisations is also evident in the search for international funding and visibility. Many groups are working collaboratively, drawing on the unique strengths and capacities of each entity. Others—particularly those active internationally or regionally—focus their partnership with local groups on building their capacities to operate independently. But the challenge remains and local perceptions and distrust are often exacerbated in crisis situations, when international actors flood a region with money and equipment, overwhelming communities and even draining skilled personnel away from local organisations.

2. WHAT IS THE ROLE OF CIVIL SOCIETY IN PROMOTING SUSTAINABLE PEACE?

Civil society has been active in a variety of fields for decades. The advent of the United Nations (UN) in particular helped forge relations between civil society groups across national boundaries on issues as diverse as education, health, socioeconomic development and human rights. In situations of war, humanitarian agencies have a long history of providing relief, led by the International Committee of the Red Cross (ICRC) movement. On issues relating to peace and security and decision-making around war, broad-based social movements have formed and dissolved for many decades, but focused activism on the part of organisations dedicated to peace and security issues on a global level is a relatively new phenomenon.

During World War I, for example, the Women's International League for Peace and Freedom (WILPF), founded in 1915, was one of the few groups pressing for an end to war, bringing together over 1,000 women from warring and neutral countries. As the oldest women's peace organisation, WILPF remains active today. In the 1930s in **Russia**, women formed a feminist peace movement. The onslaught of the Cold War in the immediate aftermath of World War II left little space for civil society activism on peace issues. This changed gradually in the 1960s when public demonstrations against the Vietnam War in the **US** and **Europe** mobilised a new generation of peace activists. Social movements emerged throughout the 1970s across the world. In **Pakistan**, women mobilised

NGO Laws: Issues to Note

There are numerous issues to consider when developing or advocating for legislation governing NGOs. The following are included among the most important:

1. **Formation**—is based on the right to freedom of association (as noted in Article 20 of the Universal Declaration of Human Rights and other international conventions).

- Any laws pertaining to NGOs must state that they do not need prior permit or licence from the state and must be free of any interference by the public administration or judiciary. The state should have no right to interfere with the creation of an NGO or to impose restrictions on its formation.
- Laws must state that procedures in place to enable NGOs to register must be swift, clear, simple and cheap and should not be at the discretion of the state. In other words, registration forms and processes should not be cumbersome.
- Associations should have their own legal identity, separate from their individual founders.

2. **The Statutes and Bylaws of an NGO**—regarding the purpose and scope of activities should be determined by the founders.

- Laws should explicitly declare that the state should not interfere in this process.
- NGOs should have the right to change their statutes and bylaws without interference from the state.

3. **Management of NGOs**—

- Laws must note that NGOs should be managed according to their own statutes and bylaws without state interference.
- In order to guarantee transparency and credibility, laws should note that organisations must keep accounting books and be independently audited annually.
- Laws should state that there must be no conflict of interest between organisations and their members.

4. **Source of Financing**—

- Laws should state that NGOs have the right to generate resources for their activities using various means, including membership fees, donations, grants and aid from local or foreign entities. NGOs should not be dependent upon their national government for access to foreign aid.
- Laws must allow for tax and duty exemption for NGOs and encourage donations and gifts that are tax-deductible at a reasonable rate. NGOs must be protected by law from state interference as a result of their tax-exempt status.

5. **Controls and Violations**—

- Laws must be explicit in demanding controls and accountability from NGOs.
- No state or public administration can dissolve an NGO.
- NGOs can be dissolved through resolutions passed by their own governing bodies or by a court decision that is based on a fair and public hearing.

against the imposition of Islamic laws. In **Africa**, numerous groups supported liberation movements.

In the 1980s, the Western world witnessed organisations dedicated to peace emerging on a notable scale. Although their focus was primarily nuclear proliferation, they nevertheless opened the way for more public activism on issues of war and peace.¹² The end of the Cold War and the parallel rise in internal conflicts and civil war also led to a mushrooming of organisations—best categorised as NGOs—at the international, national and local levels. Many of them either tackle the effects of war, focusing on the resolution of conflict, or work to rebuild post conflict societies.

Since the mid 1990s, NGOs have become key actors in humanitarian aid, post conflict reconstruction and international development. In fact, by the late 1990s, an estimated \$11–12 billion was spent by NGOs on these efforts.¹³ Whereas in the 1970s and 80s relations between civil society actors (e.g. human rights and development NGOs) and governments were often contentious and confrontational, in the post–Cold War period there has been a significant shift towards partnership and cooperation. In part this is due to the outsourcing of services, where governments draw on NGOs to provide basic services in an effort to lower costs. It is also due to the increasing expertise of NGOs in a variety of different sectors, as well as their access to the grassroots. The capacity of NGOs and other civil society organisations to influence global policies is evident in the successes of efforts such as the landmine ban campaign, debt cancellation and environmental protection advocacy (see below for more examples). However, there are many unresolved issues including:

- the tension that emerges for CSOs when working with governments and donors as partners and are reliant on them for funding, yet seek to guard their organisation’s independence; and
- CSO reliance on funding by major institutions or governments that can make their activities donor driven as opposed to beneficiaries/claimant and needs driven.

OBSTACLES TO CIVIL SOCIETY ORGANISING IN CONFLICT-AFFECTED REGIONS

All civil society organisations—including women’s groups—face an uphill struggle in war-torn countries. The destruction of resources, physical and psychological impacts of extreme violence, exploitation of existing divisions in civil society by politicians and the prevalence of undemocratic and patriarchal institutions and attitudes create major hurdles. In many instances civil society leaders—particularly those promoting peace, human rights and justice—are directly threatened and often attacked or killed. Ensuring protection for staff and managing fear are critical problems facing many civil society activists and organisations worldwide. In attempting to overcome the fear, women’s organisations in **Colombia** have developed a number of approaches, including:

- workshops to help staff manage fear;
- the use of trusted messengers to warn their members and activists about threats;
- gathering to protect those who have been threatened (e.g. standing in front of a person’s house, moving together in groups); and
- using symbolic language such as music and flowers when faced with armed actors (the fact that the women lack weapons, “disarms” the armed actors).

The challenge of maintaining relations across conflict lines is another key complication facing civil society entities, particularly when violence increases. Throughout the Oslo peace process, many **Israeli** and **Palestinian** organisations worked together on issues as diverse as health, youth peace education and film-making in an attempt to promote trust and relations among citizens. There were also numerous initiatives bringing Israeli and Palestinian civilians together to talk and build relations. Yet many initiatives faltered following the virtual collapse of the Oslo process in 2000. A lesson for some groups was that it is essential to plan for the bad times and to draw on the range of relations that exist to maintain contact. For some Israeli and Palestinian NGOs, their relations existed on three levels: organisational, professional and personal.

When violence erupts or formal peace talks falter, at the level of civil society there is often pressure on

organisations to sever relations with their counterparts. If professional relations exist, communication can often be maintained and trust promoted (e.g. medical doctors can continue to work together). In other instances, it is the strength of personal relations and ties that sustains and enables the re-establishment of links. While such interactions may not be able to de-escalate the conflict, they are the root and foundation upon which relations can be rebuilt.

Another common challenge facing civil society organisations is that they may not be equipped with the necessary skills and knowledge to represent their members and constituency politically, especially in times of conflict. In addition, civil society entities may be isolated from each other and, in fact, in competition for partnerships with and resources from the international community, particularly donors. In most instances, the bulk of the resources dedicated to post conflict reconstruction are channelled through a handful of multilateral and bilateral organisations.

If civil society groups are not involved in the planning and programmatic development stages, they are likely to be marginalised at the time of implementation. Following the 1992 peace agreement in El Salvador, despite plans for a broad-based and inclusive consultation regarding the national reconstruction programme, the NGO community was largely excluded and donors such as the US Agency for International Development (USAID) and the World Bank developed partnerships with government bodies rather than NGOs or social organisations. NGO networks that did participate in the design and implementation of the plan noted that by ignoring local organisations and expertise, potential partners were reduced to being only beneficiaries.¹⁴

3. HOW ARE WOMEN IN CIVIL SOCIETY INVOLVED IN PROMOTING PEACE AND SECURITY?

Women have often been at the forefront of the NGO sector in promoting and building peace. The oldest women's peace organisation, WILPF, now has branches in 37 countries.¹⁵ In recent times, a strong impetus towards women organising for peace was the 1995 Beijing World Conference on Women. "At

the gathering in Beijing, the war in Bosnia and the genocide in Rwanda were fresh in the minds...of many participants.... Although information about...women was still limited...the trends were alarming.... It was of sufficient concern for all those involved to accept that a new chapter should be added to the document [Platform for Action] that focused specifically on women's experience in armed conflict."¹⁶

The **Beijing Platform for Action** calls on governments to take action on these issues. But in the decade that has followed, civil society has taken the lead. Women's organisations worldwide have emerged, many with a strong focus on peace issues. "From grassroots activism to international networks and campaigns, women...have brought new energy and focus to peacebuilding and have engaged other international and regional policy-making institutions."¹⁷

Women are motivated to start CSOs for a number of reasons. In many cases where conflict exists, women feel that the political arena is dominated by men and is morally bankrupt, as evidenced by the war itself. Experiencing war firsthand galvanises women to take action, but they may prefer to do so outside the formal political sphere. For many, involvement in women's organisations is driven by their desire to see a just society in which women's voices can be heard. They may prefer to start their own organisations, focusing on particular issues before influencing a wider community. Some women become involved in civil society believing that by mobilising and working collectively, they can create the power to transform the way politics is conducted. Particularly in the context of peace negotiations, women often make strategic use of their identities as mothers and caregivers and the space within civil society to influence male leaders in favour of peace and reconciliation, on the grounds that they are neither political competition nor have a political agenda and seek only to relieve suffering.¹⁸

Despite their motivations, women in many societies—particularly those dominated by men and determined by familial ties—are reluctant to speak out publicly and lack the self confidence and belief that they "can make a difference."¹⁹ Moreover, even those that do take the step forward can be apprehensive about taking a political stance and

speaking out against factional fighting or violence. However, in many cases where women do take the step forward—with support and training from national or international organisations—with time many become empowered and do enter the formal political arena.

WOMEN'S SOLUTIONS AND ACTIVITIES IN CONFLICT-AFFECTED SOCIETIES

Women's NGOs and others working on peacebuilding face many difficulties as they often address and confront highly sensitive issues.²⁰ While the challenges are significant, the desire and motivation to bring peace is often stronger. Around the world, women's organisations participate in a wide variety of activities in pursuit of peace, ranging from contributing to development and reconstruction to promoting the rights and participation of women. They have also developed strategies to overcome the many obstacles they face and are active at international, national and local levels.

Survival and Basic Needs: Women's groups may provide food, shelter, medical care, psychosocial counselling, orphan care and programs for the prevention and treatment of HIV/AIDS (see chapter on HIV/AIDS). The Women's Rehabilitation Centre in **Nepal** runs a program to provide psychosocial support and counselling to traumatised women. The Help the Widows Association in **Cambodia** provides microcredit for women to expand their economic activities in agriculture and trade. In **Sulaimania, Iraq**, the NGO, Asuda, works on combating violence against women and children.

Building Trust and Cross-Community Dialogue: In an environment of fear, distrust and no communication, peace activists aim to cross the conflict divide and work together for peace. Building trust and confidence in the opposition can be time-consuming and painful. It involves "truth telling" and acknowledgement of the violence and harm done by both sides. These efforts, however, can draw harsh criticism, opposition and threats from activists' own and/or other communities. Often, if violence escalates, peace activists find themselves torn between the need for immediate loyalty to their community or loyalty to the vision of peace.

Women's organisations build consensus and engagement with the peace process and may also monitor peace

accords (see chapter on negotiations). For example, the Réseau des Femmes pour un Développement Associatif (the Women's Network for Group Development) in the **Democratic Republic of the Congo** monitors and denounces violations of women's rights during war and brings women of different factions together in simple shared acts like cooking and dining. In the northern province of Mannar in **Sri Lanka**, informal peace talks were brought about while women were weaving and singing, refusing to heed the communications barrier imposed on them by the conflict.

On a very different level, the international movement, Women in Black, was originally created by Palestinian and Israeli women united for peace. Its branches in the Middle East, the former Yugoslavia, Canada, the US and several European countries undertake non-violent demonstrations such as vigils, campaigns and solidarity visits against war, militarism and other forms of violence in war-torn countries across the world.

In **Northern Ireland**, Catholic and Protestant women began to work with each other on issues of common concern—child care, equal pay, social welfare—that were not directly related to the political and religious conflict that divided them. As they engaged more closely on these "bread and butter" issues, they realised that despite their different religious beliefs, they had a great deal in common, they shared the same fears and had the same hopes for peace in the future. The relations they established and the trust they built through working together on "non-sensitive" issues laid the foundation for their involvement in political and conflict-related issues. In 1996, a network of some 400 women's organisations and community groups came together to support the creation of the Northern Ireland Women's Coalition political party.

Women's groups are also often the key leaders in promoting reconciliation and undertaking community outreach in the immediate aftermath of war. They run peace education programmes, help with the reintegration of soldiers, counsel victims of violence, or train the population in conflict resolution. The Wajir Women for Peace organisation in Northeast **Kenya** mobilised women for peace and, in alliance with other local peace groups, carried out training and mediation in local disputes, quelling many before they broke out into violence.²¹ In 2004

in Colombia, various women's groups came together for working groups on women, peace and reconciliation that invited several officials to participate, including a regional mayor, the national peace commissioner and the president's office for women's equality.²²

Building Capacity and Knowledge: In many instances, the initial motivation to get involved in peacemaking is hampered by a lack of skills or capacity of organisation and individuals to run programmes and interact with policy-makers, funders and other constituents. In many instances, women have little knowledge about their rights under international law. They may lack skills such as strategy development, programme planning, negotiation and mediation, conflict resolution, advocacy, fund raising and communications. In conflict situations, it is often impossible for women to gain access to skills-building programmes or workshops. Travel is difficult and resources are scarce. This can limit the range of activities that women engage in and the sectors they are able to reach.

Recognising the need for extensive capacity building, a number of NGOs have emerged with programmes dedicated to skills building, training and networking. Isis-WICCE (Women's International Cross-Cultural Exchange) in **Uganda** has been a leading force for women in this area. Founded in the 1970s, Isis-WICCE is a major resource centre that collects and disseminates information pertaining to women's rights and development. It has played a critical role in creating regional networks in Africa and bringing the voices of African women to the global arena. In **Afghanistan**, the Afghan Women's Network—with 72 NGO and 3,000 individual members—has led efforts to give women a voice in decision-making, assist their members' efforts to support Afghan women, promote women's and children's rights, build capacities among local organisations through training and to mobilise women to vote.

The Geneva-based Femmes Afrique Solidarité (FAS) has also dedicated its work to networking women's NGOs, providing training in peace and conflict resolution and promoting women's voices internationally. FAS was instrumental in the formation of the **West African Mano River Union Women's Peace Network**, an alliance of women's organisations in

Liberia, Guinea and Sierra Leone that has been a critical force for peace in the sub-region.

In **Iran**, the Hamyaran NGO Resource Center provides a mix of technical, managerial and financial support to NGOs across the country. Working to strengthen NGO capacities and networking, the resource centre runs thematic and issue-based workshops for NGOs involved in a wide range of issues including women's rights, the environment and education. It particularly emphasises the need to connect provincial and community-based groups with their urban and national counterparts.

Building Legitimacy Through Networking and Advocacy: In some cases, existing civil society groups and leaders dismiss women's efforts and refuse to engage with them. In addition, women's own lack of confidence, as well as limited knowledge of how to access decision-makers, can hamper their ability to engage directly with political leaders. Coalition building, networking and community outreach efforts are critical to secure women's inclusion in peacebuilding processes and ensure the legitimacy of their voices. The task for women is to identify strategic partners that can give leverage to their work and their voices.

In **Colombia**, following the collapse of the 2002 peace talks, women trade unionists initiated a coalition-building process for peace. The effort was funded by the women's wing of the Swedish Trade Union Movement. Their goal was to produce a collective agenda for peace from a woman's perspective and demand women's inclusion in peacemaking. Over eight months in 2002, 719 women delegates from 266 organisations across the country gathered periodically for 14 local, regional and national events. Starting with a 600-point agenda, the women ultimately prioritised 12 points.²³ The coalition, later named the Women's Emancipatory Constitution, has emerged as a model for promoting ownership, participatory decision-making and consensus building across divergent groups. Their process for reaching consensus is now being replicated by local and regional authorities in their efforts to develop common goals and priorities.

In **Rwanda**, the NGO umbrella group ProFemmes/Twese Hamwe, using the considerable power of its more than 40 member agencies, together with the Ministry of Gender and Women in Development and

the Forum of Parliamentary Women, have formed a strong alliance enabling them to draw on each sector's comparative advantages. Their partnership ensures that the voices of women reach the national level; that new policies are developed to address women's concerns; and that such policies are then utilised by women's NGOs in their work. They have addressed issues ranging from social security and justice to health, decision-making and women's education.

Challenging the Status Quo: Although women are active in peacebuilding at the community level, they tend to be less visible in the national political arena where security issues are addressed. Some fear violence and the stigma of mixing with men and entering "masculine" preserves. For others, the drive to address immediate and concrete issues through civil society channels is stronger than engaging in political processes.

Drawing on their identities as mothers has been a powerful and effective means of addressing issues that are typically dominated by men, particularly security and military affairs. In the 1970s in **Argentina**, Las Madres de la Plaza de Mayo led weekly silent protests, demanding simply to know what had happened to their sons and daughters. Its simplicity gave the movement enormous power and moral authority and their questions directly attacked the secretive and violent nature of the state.

In the 1980s in **South Africa**, women joined with conscientious objectors to protest conscription into the apartheid army. The End Conscription Campaign, led primarily by women, posed a significant threat to the military, yet the state was unable to challenge the moral authority of the soldiers' mothers.

Similarly, during the 1990s when the **Israeli** army occupied southern **Lebanon**, a group of women, including the mothers of soldiers who had died there, began to protest on street corners in Israeli cities. Registering themselves as an NGO called the Four Mothers, their primary goal was the unilateral withdrawal of Israeli troops from Lebanon. The image of the women and their message resonated across Israeli society and generated significant support among men and women. Men were prominent in the leadership of the group, but in the public's perception it was a

movement driven by mothers. Its members became informed of all issues relating to the military presence in Lebanon and attended briefings and meetings with Israeli officials, questioning them and demanding a withdrawal. The strategy to use their identities as mothers was critical to their success, as they faced military officials who were aware of and sensitive to the moral authority that the women brought. Israel withdrew from Lebanon in May 2000. A variety of factors contributed to the final decision, but many credit the Four Mothers for raising awareness and mobilising public opinion in favour of withdrawal.

Fighting Impunity, Advocating for Human Rights: Women's groups may work on specific reconstruction issues such as disarmament, the needs of the displaced, justice and human rights, or more generally collaborate with the media and other allies to promote sound information and awareness. In the **Arab** region, an Iraqi woman has been a key figure in founding the Arab Non-governmental Network for Development, which supports, enables and empowers Arab civil societies in their quest for democracy, human rights and sustainable development. In **Colombia**, the Iniciativa de Mujeres por la Paz (IMP) advocates for the incorporation of women's needs and interests into agendas for peace and negotiations, including reparations for victims of violence and the reintegration of women former combatants. In **Guatemala** and **El Salvador** a number of women's organisations emerged during the war years that fought against impunity for crimes committed against civilians. Their struggle to implement and strengthen international and national laws was fundamental in the search for sustainable peace with justice (see chapters on transitional justice and human rights).

Promoting Women in Decision-Making and Leadership: Women's organisations may work to promote women through their participation in political parties and in elections or in professional life. In **Cambodia**, a former woman refugee founded Women for Prosperity (WfP) with the goal of promoting women's political participation (see chapter on democracy and governance). These efforts also bolster women's confidence and help instill a belief that they, as individuals and collectively, can make a difference to their communities and societies at large.

Mobilising Resources to Support Peace Work: The lack of financial security—for short-term work or long-term strategies—is a fundamental obstacle facing women’s organisations. Many are heavily affected by poverty, the excessive demands on their time and resources, domestic violence and the loss of social services. Despite these factors, many members work as volunteers. Such challenges affect the creation and sustainability of organisations and make them dependent upon the funding they are able to secure. A USAID study of women’s organisations in **Cambodia** found that they faced a general problem of continued dependence on international donors, making them vulnerable to short-term planning and to changing international policy priorities.²⁴

Some women’s groups have developed innovative strategies to tackle this ongoing challenge. While some have built their capacity for finance and budgeting to ensure effective management of funds, others have joined with partner organisations to request grants that best utilise each group’s abilities and resources. Many women’s organisations hone in on particular issues to capitalise on their expertise and to avoid over-extending themselves. Others build their knowledge about international donors and their in-country programmes to match their expertise with national and international needs and priorities. In **El Salvador**, for example, USAID reported that NGOs, including women’s groups, were among the best at implementing programs because of their access to remote populations.²⁵

National and local-level women’s organisations often benefit from forging links with international civil society groups. As mentioned above, the women’s arm of the trade union in Sweden funded a coalition-building programme for women in **Colombia**’s trade unions and beyond. Working globally, Women for Women International, based in the US, provides tools and resources for women in post conflict countries, including **Bosnia**, **Iraq** and **Rwanda**, with the goal of strengthening civil society at the local level. A Rockefeller Foundation–funded program, Afghan Women Leaders Connect, links individual women in **Afghanistan** with women leaders in the US and Canada, providing grants and training to Afghan women leaders. With international donors increasingly directing funds to national NGOs, women’s organisations working at national and local levels are well placed to benefit from the shift,

particularly in times of conflict (see chapter on post conflict reconstruction).

4. WHAT POLICIES EXIST TO PROMOTE CIVIL SOCIETY INVOLVEMENT IN PEACEBUILDING?

NGOs are recognised as an important entity in the UN’s original charter. Article 71 says that the Economic and Social Council (ECOSOC) “may make suitable arrangements for consultation with non-governmental organisations which are concerned with matters within its competence.”²⁶ In addition, Article 21 of the International Covenant on Civil and Political Rights (1966) states the right to peaceful assembly and Article 22 grants the right to freedom of association.

The UN established the Non-Governmental Liaison Service (NGLS) in 1975 with offices in Geneva and New York to provide information, advice, expertise and support services to civil society regarding UN activities.²⁷ NGOs have four types of status with the UN:

1. NGO consultative status with ECOSOC through the Department of Economic and Social Affairs; it allows direct participation in intergovernmental processes covering a broad range of socioeconomic issues, subdivided into three groups:
 - General: NGOs concerned with a broad range of ECOSOC issues;
 - Special: NGOs with special competence in a few fields of activity; and
 - Roster: NGOs with narrow or technical expertise in a field.
2. Department of Public Information status, which permits access, but not participation;
3. Media status for members of the press; and
4. Other status, which allows for participation in single events or conferences.

In addition to focusing on social and economic issues, NGOs are eligible for consultative status with ECOSOC if they:

- have democratic decision-making mechanisms;
- have been in existence for at least two years with appropriate governmental registration;
- obtain their basic resources from contributions by national affiliates, individual members, or other non-governmental entities; and
- commit to producing a report of their activities every four years.

The UN and other agencies have provided significant support for women's organisations over the last 30 years. The 1979 **UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** and the 1995 **Beijing Platform for Action** have been critical tools for promoting women's activism in civil society and peace issues. To monitor implementation of the Beijing Platform, the **Commission on the Status of Women (CSW)** was established by ECOSOC. The CSW meets annually for ten days, usually in New York at UN headquarters and produces an official report with recommendations.²⁸ In recent years, peace and security has become a priority on the agenda of the CSW. NGOs with ECOSOC status and with passes for the conference are permitted to attend the meeting and use the time to network and lobby governments on critical issues. These forums enable global policy-makers and the people who are most affected by their policies to communicate and cooperate better. They also demonstrate the depth of knowledge, experience and skills in civil society that, when tapped and supported, are major agents of change. Agencies within the UN dedicated to women's issues—including the **UN Development Fund for Women (UNIFEM)**, the **Division for the Advancement of Women (DAW)** in the Department of Economic and Social Affairs and the **Office of the Special Adviser to the Secretary General on Gender Issues and Advancement of Women (OSAGI)**—are also integral to the engagement of women's organisations with the UN.

Regarding peace and security specifically, two international laws exist promoting civil society participation and support:

- **UN Security Council Resolution 1325 (2001)** explicitly calls for “support [to] local women's peace initiatives and indigenous processes for conflict resolution;” and
- **UN Security Council Resolution 1366 (2001)** articulates “the important supporting role of civil society” in promoting national-level conflict prevention.

In addition, as part of a major reform process within the UN system, the role of civil society is being addressed at the highest levels. The Secretary General convened a high-level panel to issue a report on how to improve civil society relations with the UN, launched in June 2004. One of their recommendations is: “...the establishment of a dedicated fund for civil society engagement...to strengthen the capacity of underrepresented groups to engage with the United Nations, especially women, indigenous peoples, disabled people and the poor.”²⁹ In conjunction with the report's release, the Security Council discussed the role of civil society in post conflict peacebuilding for the first time and many governmental and non-governmental representatives spoke on record, acknowledging the critical role of NGOs in post conflict reconstruction and the need for increased civil society partnership with the Security Council.³⁰

The trend to include civil society in discussions and activities related to peace and security has extended to the regional level. The **African Union**, in Article 20 of the protocol to establish its Peace and Security Council, notes that it will “encourage non-governmental organisations, community-based and other civil society organisations, particularly women's organisations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa.”³¹ Furthermore, civil society is invited to participate in all open sessions of the Council. The **Organization of American States (OAS)**, through a Permanent Council resolution, recently established a fund to support the participation of civil society organisations in OAS activities and conferences. All groups registered with the OAS must submit a letter of application to the Secretariat to be considered for such grants. Every regional organisation has its criteria for enabling NGOs to gain accreditation and access to their processes.

Nationally, for NGOs everywhere, a key challenge is pressing governments and formal political parties to implement international laws, conventions they have adopted and commitments they have made. Another challenge is changing national policies to enable NGOs to work in equal partnership with state authorities in providing basic services, such as health or education programmes.

5. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

1. Before creating an NGO, do a mapping of civil society activities to avoid duplication. Aim to complement existing efforts. Be clear about the goals of the new organisation and its position vis-à-vis other civil society entities and the government.
2. Develop an agenda and mandate that represent the needs of a broad-based constituency with roots in the community, overcoming the factors that divide them.
 - Place international human rights and women's rights at the core of your activities and seek to realise them in ways that are culturally relevant.
3. Seek out other groups and create a coalition or alliance based on a common set of principles and values. In this way, unity can be strengthened without impinging on the individual areas of work or interest of each group.
4. Establish a national civil society forum that advocates for legislation in support of NGO formation and that can be a focal point for resources, including technical and management expertise.
5. Develop a common agenda and priorities for action. Where possible, use this as a base for advocacy and fund-raising with donors.
6. Develop an alliance with government and parliamentary entities to gain access to decision-making levels.
7. Aim to develop a common NGO endowment fund accessible to affiliated NGOs.
8. Identify the informal and traditional structures through which women can assert their influence and seek to strengthen them.
9. Document your activities and results in order to share the lessons with other women peacebuilders.
10. Draw on international policies and laws such as UN Security Council Resolution 1325 to raise awareness about women's roles in peace and security.

WHERE CAN YOU FIND MORE INFORMATION?

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ACRONYMS

BONGO	Business-Organised and Oriented Non-Governmental Organisation
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CBO	Community-Based Organisation
CSO	Civil Society Organisations
CSW	Commission on the Status of Women
DAW	Division for the Advancement of Women of the United Nations
ECOSOC	Economic and Social Council of the United Nations
FAS	Femmes Afrique Solidarité
GONGO	Governmental-Focused Non-Governmental Organisation
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
ICRC	International Committee of the Red Cross
INGO	International Non-Governmental Organisation
Isis-WICCE	Women's International Cross Cultural Exchange
MANGO	Mafia-Based Non-Governmental Organisation
NGLS	Non-Governmental Liaison Service
NGO	Non-Governmental Organisation
OAS	Organization of American States
OSAGI	Office of the Special Adviser to the Secretary-General on Gender Issues and the Advancement of Women of the United Nations
SAFHR	South Asia Forum for Human Rights
UN	United Nations
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development
WfP	Women for Prosperity

ENDNOTES

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Picture credits clockwise from top left: María Elvia Domínguez Blanco, Head of the School of Gender Studies, National University, Colombia, PHOTO BY VICTORIA STANSKI. Pumla Gobodo-Madikizela, Senior Consultant for Reconciliation, Institute for Justice and Reconciliation, South Africa, PHOTO COURTESY OF WOMEN WAGING PEACE. Sabria Mahidi Naama and Esra Naama (mother and daughter), Participants in “Winning the Peace: Women’s Role in Post-Conflict Iraq,” PHOTO BY VICTORIA STANSKI.

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Women Waging Peace

INCLUSIVE SECURITY,
SUSTAINABLE PEACE:
*A Toolkit for
Advocacy and Action*

5

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Refugees and Internally Displaced Persons

JUDY EL-BUSHRA AND KELLY FISH

The existence of **refugees** and **internally displaced persons (IDPs)** is often seen as an indicator of the spread and intensity of armed conflict. Facilitating their return home is often a key goal of peace processes. Refugees and IDPs are vulnerable economically, socially, psychologically and politically. Uprooted from their homes, having lost access to their accustomed livelihoods, resented by their hosts and often viewed as a burden or as opponents by governments responsible for their protection, they may be unable or unwilling to speak out when they are denied their rights and face dependence on their neighbours and on the international community. However, they also bring with them resilience, skills and determination to survive, and often constitute an asset to their new environment. Exposure to new lifestyles can in turn offer refugees and IDPs resources that will prove valuable to them when they return home and that will enable them to contribute towards stabilising their home environment.

The impact of life in exile on women and girls is often paid little attention by assistance providers. This chapter provides an overview of issues relating to refugees and IDPs in the context of conflict, with emphasis on the experiences of women and girls.

1. WHAT ARE REFUGEES AND IDPs, AND HOW ARE THEY DIFFERENT?

Refugees and internally displaced persons (IDPs) have been forced to flee from their homes, as individuals or groups. While the experiences of refugees and IDPs are similar in many regards, there are also significant differences. **Refugees** have crossed international borders and are entitled to protection and assistance from the states into which they move and from the international community through the United Nations (UN) and its specialist agencies. **IDPs**, on the other hand, are displaced within their own country. Although international law generally provides them with protection, there is no international law or standard specifically covering IDPs, and no UN agency is specifically mandated to ensure their welfare.

REFUGEES

The 1951 **Convention Relating to the Status of Refugees**, the cornerstone of refugee protection, defines a **refugee** as “a person who, as a result of well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the

country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country.”¹ The basic principle of the Convention is that the rights of refugees in the country of refuge must be at least equal to those of other resident foreigners in that country. Refugees are protected by the principle of **non-refoulement**, meaning that they cannot be forced to return to their home country if they have a reasonable fear that to do so would endanger their lives.²

The Convention was introduced in the wake of refugee movements in Europe after World War II. Although the Convention does not specifically address persons from armed conflict, some interpretations accept such people as refugees. This is enshrined in, for example, the **Organization of African Unity (OAU) Convention Governing the Specific Problems of Refugees in Africa** drawn up in 1969,³ and the 1984 **Cartagena Declaration on Refugees in Central America**.⁴ The UN High Commissioner for Refugees (UNHCR) generally accepts those fleeing from conflict as refugees. However, a number of governments (including the US and most European governments) determine the

status of asylum seekers on the basis of individual fears of persecution.

INTERNALLY DISPLACED PERSONS (IDPs)

The 1998 **Guiding Principles on Internal Displacement** (the Guiding Principles) describe internally displaced persons as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.”⁵ Armed conflict and other forms of mass violence are specifically mentioned as possible causes of flight. Both individuals and groups fall within the definition.

International humanitarian and human rights law protects civilian IDPs through a number of instruments. These include the 1949 **Geneva Conventions** and 1977 **Additional Protocol**,⁶ which, among other things, prohibit parties to an armed conflict from arbitrarily displacing civilian populations. Other relevant mechanisms include the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, which establishes women’s human rights (see chapter on human rights). However, there is no single mechanism designed specifically to address IDP rights. Since the early 1990s, the international community has been increasingly concerned about IDPs because of their growing numbers and a growing awareness of their vulnerability. This concern was reflected in 1992 in the appointment of the **Special Representative of the UN Secretary General on Internally Displaced Persons**. The Special Representative drew up the Guiding Principles to clarify the status and rights of IDPs and to identify the responsibilities of different parties towards them (see box). While not legally binding, they are drawn from, and are consistent with, existing laws and conventions.

In 2003, the number of IDPs was estimated to be more than twice that of refugees (see section 3 below). The increase in IDP numbers may reflect continuing reluctance by governments to accept responsibility for refugees, so that people in flight are

increasingly unable to cross borders.⁷ It may also reflect the growing number of contexts in which governments are unable or unwilling to protect citizens from abuse or from the absence of adequate care in the face of disaster. IDPs are often considered to be more vulnerable than refugees. It has been estimated that half the countries with IDPs crises have failed to provide protection with reported abuses including sexual exploitation and forced labour.⁸ Moves to introduce specific protection measures for IDPs have been resisted by many countries on the grounds that to do so would infringe on national sovereignty.⁹ However, while international law upholds the concept of national sovereignty,¹⁰ because IDPs remain resident in their own country, their protection is the responsibility of the government concerned.

The Guiding Principles confirm that the rights of IDPs (assuming they are citizens of the country within which they have moved) are equal to those of other citizens and are therefore protected by international human rights legislation (see chapter on human rights). The Guiding Principles assert the rights to protection and assistance for IDPs in all phases of displacement. If observed, the Guiding Principles can prevent displacement as a result of conflict, provide protection if it happens and help IDPs return home after hostilities have ceased.¹¹

2. WHAT PROBLEMS DO REFUGEES AND IDPs FACE?

People who have been displaced, whether within their own country’s borders or internationally, often have to leave behind all but a few of their worldly possessions. In most cases their search for refuge takes them long distances, often on foot. Flight itself is arduous: families can lose contact with each other, sick and elderly relatives may have to be left behind and refugees in flight can be vulnerable to violent attack and exploitation. The trauma of being uprooted from one’s home and of becoming separated from family members adds to the terrifying experiences that many undergo before and during their flight. Lack of language skills and unfamiliarity with new surroundings, coupled with fear and concern about events back home, create added burdens.

The Guiding Principles on Internal Displacement (1998)¹²

The Guiding Principles are not binding but are based on, and consistent with, existing international legal instruments. The 30 principles are divided into 5 sections:

- Section I **General Principles:** assert that national governments and other authorities must ensure that displaced persons enjoy the same rights as other citizens of the same country.
- Section II **Principles Relating to Protection From Displacement:** particularly urge protection from arbitrary displacement and from violent treatment.
- Section III **Principles Relating to Protection During Displacement:** emphasise that universal rights (e.g., to family life, livelihood and free association) apply equally to the displaced.
- Section IV **Principles Relating to Humanitarian Assistance:** provides an overview of the responsibilities of national governments working in collaboration with humanitarian agencies and statutory protection bodies.
- Section V **Principles Relating to Return, Resettlement and Reintegration:** provides an overview of the rights of IDPs to return voluntarily and in safety, not be discriminated against and be helped to recover or be compensated for property left behind.

IDPs and refugees have usually been torn from their established environment and their economic resources. As a result they have lost their livelihoods and the means of generating an independent income. They may be obliged to settle in isolated or economically marginal areas where land is poor or where the potential for formal or informal employment is restricted. Where violence ravages rural areas, those displaced may be forced into towns and trading centres where a precarious living in the informal sector may be the only option. Legal restrictions on employment and income generation often make refugees and IDPs permanently dependent on the good will of hosts and on humanitarian assistance. This can reduce their capacity for self-reliance and their determination to survive, giving rise to what assistance providers sometimes describe as a “culture of dependency.”

Host communities often see refugees and IDPs as a drain on their already meagre resources, and assistance provided to them may become the source of resentment from hosts, who may themselves be among the most marginalised segments of their own community. Refugees and IDPs can be exploited by employers, receive harsh treatment at the hands of the authorities and be at the mercy of landlords. They are vulnerable to abuse (including high levels of sexual violence and exploitation) from officials and other powerful members of their own and host communities.

Especially when flight is the result of armed conflict, resolving the situation of IDPs and refugees may require political agreements that are hard to come by. **Palestinian** refugees have been unable to return home for four generations, pending a political resolution to their situation, and their existence has been used as justification for further aggression by all sides in other conflicts. Many long-term refugees and IDPs feel that politicians manipulate their situation. In the Caucasus, given the still unresolved status of Abkhazia after the **Georgia-Abkhazia** conflict in which national boundaries were being disputed, ethnic Georgians returning to Abkhazia are viewed as internally displaced by Georgia, but as refugees by Abkhazia. In **Bangladesh**, the government has provided displaced Bengalis with land in areas inhabited by the ethnic minority Hilly people in the Chittagong Hill Tract, a move seen by the Hilly as part of a process of denying them their identity.¹³

Where refugees and IDPs are living in camps or organised settlements, conditions can be damaging to their physical, psychological and social health. Conditions in camps are often overcrowded, leading to public health problems and a lack of privacy. Living in such conditions for prolonged periods can prevent people from maintaining links with family members and may lead to the erosion of cultural practices that contribute to the socialisation of children and a sense of identity. In **Northern Uganda**,

1.4 million IDPs now live in camps, where overcrowded and impoverished living conditions have eroded the tradition of firesides after the evening family meal, when older people would tell stories and offer advice to the young.¹⁴ The psychological impact of camp life is particularly marked in cases where the situation of refugees or IDPs has remained unresolved for a number of years, as with the approximately 400,000 **Bhutanese** refugees who have lived in **Nepal** since the early 1990s.¹⁵

Health and educational facilities are crucial to all displaced populations. Education is often ignored by assistance providers working with the displaced, as it is seen as a long-term, rather than an emergency, requirement. Yet for many displaced, education is a way out of their impoverishment and cultural isolation. Displaced populations are particularly poorly served with secondary education, without which adolescents and young people have difficulty finding employment. Health services for displaced populations are critical because of the physical and psychological stresses of displacement. Sexual and reproductive health is a major issue for refugee and IDP populations (see chapter on sexual and reproductive health) although, like education, it is often overlooked by assistance providers. Displacement, and the unaccustomed lifestyles encountered in exile or in IDP camps, can change sexual behaviour—refugee and internally displaced populations often experience increased transmission rates of HIV/AIDS and other sexually transmitted diseases (see chapter on HIV/AIDS). Population growth among such communities can be a politically sensitive issue, affecting access to contraceptives and to maternal and child health services.

The return of displaced populations to their homes may also raise a broad range of problems. Refugees and the internally displaced have the right to a safe return. They cannot be forced to return to a country where they are likely to face persecution or torture. Those who wish to return may not have the funds to do so, especially when intensive efforts are required to renovate homes, fields, equipment, markets and to restock animals. For communities returning to rural environments, food aid will be required until crops can be harvested. When flight has been caused by armed conflict, returnees may face unexploded landmines and other ordnance in fields, roads and even homes

(see chapter on landmines). Avoiding these dangers may mean not one but several relocations before security can be assured.¹⁶

Where displaced populations have been away a long time, the size of the community may have increased in exile, generating heightening pressure on resources upon return.¹⁷ Displaced populations who wish to return home may face difficulty claiming property and other entitlements. Repossessing rights to houses or land, for example, can involve lengthy legal procedures. The problems are particularly acute for IDPs, who have no single UN agency mandated to ensure their welfare and who are primarily dependent on their own government to uphold their rights. In many cases it is these same governments whose neglect and abuse has given rise to the displacement and who have failed to put in place adequate mechanisms for IDPs to express their grievances.

Refugees and IDPs also may be seen as contributors to the insecurity of others, especially where they themselves have been directly involved in political disturbances. They can perpetuate conflicts through fundraising, supporting the shipment of arms, international public relations and other activities. In many instances the connection is more direct. Many of the **Rwandan Interahamwe** militias who fled to the **Democratic Republic of the Congo (DRC)** in 1994, were widely seen as the perpetrators of the April 1994 genocide, continued their attacks, while hiding among refugee populations.¹⁸ In addition, long-term camps—such as those for **Burmese** refugees in **Bangladesh**, originally set up in the 1980s—can effectively be forgotten by the international community, leaving refugees to become prey to arms and drugs smugglers.¹⁹ The September 11, 2001, events in the US gave rise to concerns in some quarters that refugee and IDP populations (see chapter on sexual and reproductive health) might be harbouring terrorists. This prompted UNHCR to issue a statement, in September 2004, emphasising that the 1951 Refugee Convention excludes persons who have committed serious crimes and provides terrorists with no protection from prosecution. The statement further urges governments to seek to improve security measures but to ensure that during the process, refugees are not exposed to racism and xenophobia, exclusion, withdrawal of refugee status, deportation and the suspension of resettlement programmes.²⁰

Despite the complexity of their experiences and the challenges that many displaced populations face, it is important not to generalise about their plight. Many refugees successfully settle and thrive in their new environments. They gain new skills and experience, often bringing home expertise and financial resources, as well as new perspectives and views. In **Iran** for example, despite receiving limited international assistance, Afghan refugees, including women, have had access to education, health care and jobs. Many Iraqi and Afghan refugee women who settled in Pakistan, Iran, Europe and North America have returned home in recent years and have been instrumental in advancing women's rights.²¹ They have established NGOs to build the capacity of women and advocate for empowerment and channelled direct resources to efforts on the ground. In states of the **former Yugoslavia**, expatriates are a liberalising force, promoting the transition to democracy.²² **Malian** women refugees in **Mauritania** often resisted calls from their husbands to return home, as they had found new opportunities in exile.²³ In many other places, refugees and IDPs who have permanently resettled are an extremely significant source of capital for the home country.

3. WHO PROVIDES PROTECTION AND ASSISTANCE TO REFUGEES AND IDPs?

THE UN SYSTEM AND REFUGEES

The **UN Relief and Works Agency (UNRWA)**²⁴ was established in 1949 following the 1948 Arab-Israeli war. It has since provided education, health care, social services and emergency aid to four generations of Palestinian refugees living in the West Bank, the Gaza Strip, Jordan, Syria and Lebanon. Palestinian refugees under the care of UNRWA numbered over 4 million in 2003.

The **Office of the UN High Commissioner for Refugees (UNHCR)** was established in 1951, initially addressing the needs of refugees from World War II. While UNRWA continues to take responsibility for the welfare of Palestinian refugees, the mandate of UNHCR was eventually extended to cover all other refugees worldwide as numbers continued to mushroom. In January 2004, UNHCR was caring for 10.3 million refugees, 2.4 million recently returned

refugees, 1 million stateless people and 5.8 million IDPs (at the special request of the UN Secretary General), making a total of 17.1 million people “of concern to UNHCR.” About 49 percent of the refugee population is female.²⁵ Over 46 percent of refugees are in Asia, 22 percent are in Africa, 21 percent are in Europe, 10 percent are in Latin America and 0.3 percent are in Oceania.²⁶

UNHCR's role is “to lead and coordinate international action for the world-wide protection of refugees and the resolution of refugee problems.”²⁷ To achieve this it oversees registration, protection and assistance to specific groups of refugees in 115 countries; monitors compliance with international refugee law and advocates for international refugee rights standards; seeks durable solutions to refugee flows; coordinates the provision of basic needs to refugee populations; and funds and supervises voluntary repatriation programmes. Where requested by governments, it administers the process of status determination for asylum applicants.

Different interpretations of basic refugee law have been incorporated into regional and national conventions, so that in practice, responsibilities may vary in different countries. Food relief for refugee settlements may be provided by UNHCR, the World Food Programme (WFP), the host government or various combinations of these. The responsibilities of host governments include registration and physical protection of refugees and protection of their rights to livelihood and security. Three out of four of the world's refugees are under the protection of host countries in the developing world.²⁸ This places pressure on welfare and social services, shouldered by host communities already weighed down by poverty.

THE UN SYSTEM AND IDPs

As the Guiding Principles on Internally Displaced Persons makes clear, primary responsibility for the protection and assistance of IDPs lies with national governments. Within the UN system, the **Office for the Coordination of Humanitarian Affairs (OCHA)** is responsible, among other things, for policy development and coordination of humanitarian issues, “ensuring that all humanitarian issues, including those that fall between gaps in existing mandates of agencies such as protection and assistance for internally displaced persons, are addressed.”²⁹ OCHA also

advocates for humanitarian issues within the UN Security Council, and coordinates humanitarian emergency responses through its chairmanship of the **Inter-Agency Standing Committee (IASC)**,³⁰ bringing together UN humanitarian agencies, major international NGOs and the International Committee of the Red Cross (ICRC). IASC formulates humanitarian policy to ensure a coordinated and effective response to emergencies and disasters. OCHA's Inter-Agency Internal Displacement Division³¹ networks on internal displacement issues with other UN agencies. In specific emergencies, OCHA ensures coordination and information sharing among humanitarian agencies at the field level. OCHA does not generally intervene in humanitarian emergencies.

UNHCR is not charged with providing protection or support to IDPs in general. However, in 2003, it supported some 5.8 million IDPs, either as a result of the UN Secretary General's request (with the consent from the country concerned) or in support of other UN agencies.³² Estimates of IDPs vary between 20 and 25 million in some 52 states worldwide.³³ In 2003, Sudan (4 million), Democratic Republic of the Congo (3 million), Colombia (2.9 million), Uganda (1.2 million) and Iraq (1.1 million) had the highest numbers of IDPs.³⁴

Within the UN system, UNHCR and UNRWA are the main bodies charged with providing direct assistance to refugees. OCHA (for IDPs) and UNHCR (for refugees) coordinate the work of other UN and NGO bodies, although there may be some overlap. Other UN bodies often in evidence in displacement situations include the World Food Programme (WFP), which provides food relief and the International Organization for Migration (IOM), which organises the movement of people (including refugees and IDPs) in need of international assistance. UNHCR, UNRWA and OCHA all work closely with specialized UN bodies such as UNICEF (on children's issues), UNDP (on development matters) and UNIFEM (for women).³⁵

BILATERALS

In addition to host countries that shoulder some of the burden in terms of providing aid and relief, the largest government contribution to humanitarian assistance generally, and to refugee assistance in particular, comes from the US. The US budget is three

times that of the Netherlands or the United Kingdom, the second and third largest donors respectively.³⁶ The Office of Foreign Disaster Assistance (OFDA) of the US Agency for International Development (USAID), in common with most government agencies, does not generally distinguish between aid to displaced populations and to other types of emergencies, but includes many displaced populations among its recipients (e.g. in Kosovo, Sudan, and Colombia). USAID's Displaced Children and Orphans Fund supports work with children affected by war and HIV/AIDS in 19, mainly African, countries.³⁷

A large proportion of government-funded humanitarian aid is composed of contributions to UNHCR and other UN or regional bodies (e.g. the European Humanitarian Aid Office, ECHO). Most government donors also provide financial support to their own national refugee supporting agencies, which address needs in the donor country and elsewhere. For example, the Norwegian Refugee Council receives funds from the Norwegian government to operate the Global IDP Project (see below under international organisations) on behalf of the international community. Governments also disperse funds to specific emergencies according to their geographical priorities.

INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS

International organisations working with refugees and IDPs fall into two groups: operational and non-operational agencies. International operational agencies carry out projects to ensure basic material needs (e.g. food, water, shelter, sanitation, registration, medical care), social development and representation, psychosocial support, skills training for the new environment or for return, health and education services, access to livelihoods support and micro-finance, protection and advocacy. The International Committee of the Red Cross (ICRC), Médecins Sans Frontières (MSF), Save the Children, Oxfam and CARE are among the major agencies involved in this work.³⁸ These agencies work with both displaced and non-displaced populations.

The ICRC is mandated by the Geneva Conventions to "protect and assist the victims of armed conflict," including both refugees and IDPs.³⁹ It is strictly non-governmental, although its mandate has been approved by states. It has both a "watchdog" and an

operational role. Its operational delegations in conflict-affected countries perform protection, assistance or preventive services for the victims of existing or emerging situations of armed conflict or violence. The ICRC is a neutral and impartial intermediary concerned with ensuring that all parties to a conflict abide by international humanitarian laws to protect and assist displaced persons. In specific cases, ICRC also distributes food aid, medical supplies and agricultural tools and provides clean drinking water and health care (including reproductive health care).

Non-operational agencies generally carry out policy, advocacy and research work around displacement and some also provide direct assistance. Of these, those that focus particularly on displacement include **Refugees International**, which provides assistance and protection for refugees and displaced persons and advocates to end the conditions that create displacement. The **Women's Commission for Refugee Women and Children** advocates for displaced women and children (see section 7 below).⁴⁰ The **Global IDP Project** documents the situation of IDPs globally, providing background reports on relevant countries, updating factual information regularly and offering training materials about displacement. Other research and policy initiatives include the Humanitarian Policy and Practice Committee of Interaction, the American Council for Voluntary International Action and the Humanitarian Policy Network of the Overseas Development Institute in London.⁴¹

Assistance provision from the above sources supports a vast number of host government initiatives and local organisations that provide services and support to the displaced and advocate to improve their conditions and bring displacement to an end. Beyond that, the displaced are supported informally by spontaneous family and neighbourhood initiatives. These local forms of support, although hard to quantify, are of critical importance in the survival of individual refugees and IDPs and their communities.

4. HOW ARE WOMEN AFFECTED BY DISPLACEMENT?

In all aspects of the situation of displacement—flight, asylum-seeking, living in exile and the return home—

women face particular problems, which are often poorly understood by assistance providers. When displaced communities migrate, women are particularly vulnerable, especially if they are pregnant or caring for small children. Stories of women giving birth while fleeing violence are not uncommon.⁴² Others are vulnerable to sexual exploitation from officials and military personnel.

Figures from UNHCR indicate that women represent approximately half of refugee populations overall. The balance of male to female displaced varies from situation to situation. In **Colombia**, for example, women represent more than 50 percent of IDPs and head more than 30 percent of IDP households.⁴³ Life in displaced situations often brings about changes in gender roles. Women, usually the sole caretakers of children, the sick and the elderly,⁴⁴ frequently assume additional tasks and roles traditionally allocated to men, including physical labour, heading the household and providing food and protection for their families. When men lose their livelihoods and their resources, the implied loss of status may result in depression and self-harm, as well as a backlash against women and an escalation of domestic violence. The additional responsibilities women take on may have positive psychological impacts for them. Many gain greater self-confidence and pride as a result. However, the burden of extra work places serious constraints on women's health and welfare, and the contrast between men's and women's responses can put huge strains on family relationships.

Taking on larger economic roles can increase women's decision-making status within the family, and to some extent outside it. However, it would be unwise to expect radical or long-term change to take place as a result.⁴⁵ In fact, when women return to their home countries or communities, men often re-assert their control over women's lives and the household. In **Guatemala**, despite the demands of women's organisations formed in exile that women be allowed to join new cooperatives and own land, local men threatened them with expulsion if they did not back down. As a result, few women believe they have the right to own land or exercise that right.⁴⁶

Moreover, interventions designed to encourage women's participation in projects and in political life

may have unintended effects on relations between men and women. One study of a camp for **Burundian** refugees in **Tanzania** described how UNHCR's policy of empowering women through encouraging their participation in camp management committees led men to feel marginalised and frustrated. At the same time, women were reluctant to take the opportunities offered to them since doing so would affect their relations with their men. Both men and women shared the belief that women were vulnerable and lacking in knowledge and political skills. The policy overlooked the need to address these attitudes at a fundamental level.⁴⁷

Women's legal status is often ambiguous and may undermine their economic and physical security. Many women lack their own identification papers, as documentation is often issued to male household heads. Women lacking proper identification may not be able to move freely or complete daily activities, including buying and selling goods in markets and accessing supportive networks.⁴⁸ Further, where food ration cards are distributed only to men, women remain dependent on men for food and basic services.⁴⁹ It has been noted that "when humanitarian aid, such as ration cards and food distribution, is channelled through women, as in **Sudan**, women and children are more likely to receive their fair share of assistance."⁵⁰

Gender-based violence is widespread in displaced communities and takes many forms including domestic violence, trafficking, enforced prostitution and sexual violence. Sexual violence may come from within the displaced community or from officials and others preying on the vulnerability of the displaced, made worse by overcrowding, the circulation of small arms (see chapter on small arms, light weapons and landmines) and the breakdown of family life. Camps for refugees and displaced people are often hastily constructed with little consideration for their impact on women's physical security. In **Angola**, countless women were maimed by landmines while seeking food and charcoal—basic elements for survival.⁵¹ Women are also at risk of rape, other forms of sexual or physical violence and robbery when they go to collect needed supplies or goods.⁵²

Those responsible for protecting refugees and IDPs—including UNHCR, host governments and

peacekeeping forces—often ignore the problem and fail to provide protection, as with **Somali** refugee camps in **Kenya**⁵³ and **Liberian** refugee camps in **Sierra Leone**.⁵⁴ Worse, they may themselves be perpetrators, as has been documented by UNHCR in **Guinea, Liberia, and Sierra Leone**⁵⁵ and the UN peacekeeping force (MONUC) in the **Democratic Republic of the Congo**.⁵⁶

An additional area of concern relating to gender-based violence is female genital mutilation (FGM), which 130 million women and girls are estimated to have undergone worldwide, and which may be revived among displaced communities as they try to reassert their cultural identity.⁵⁷ For example, **Sierra Leonean** secret societies, into which women are initiated through FGM, reappeared among refugees in **Liberia**, resulting in some women who had spoken out against the practice being afraid to return home.⁵⁸

Women seeking asylum on grounds of gender-based violence have often found it hard to argue their case. Although some countries changed their policy on this in the late 1990s and early 2000s (see section 6 below), in practice immigration officers suffer from "a tendency to misrepresent gendered forms of persecution as personal rather than political."⁵⁹ Even where policies have changed, judges and immigration officers may lack appropriate training and knowledge.⁶⁰

Sexual and reproductive health needs of women and girls in situations of forced migration are exacerbated by the likelihood that health services will be extremely limited.⁶¹ "Until very recently, reproductive health care has been a neglected area of relief work, despite the fact that poor reproductive health is a significant cause of death and disease in camp settings."⁶² Key problems include the lack of adequate provision for safe motherhood, lack of family planning and contraceptive services and lack of attention to gender-based violence: 20 percent of women of reproductive age living in camps are estimated to be pregnant at any one time,⁶³ and 25-50 percent of maternal deaths in refugee situations are believed to result from post-abortion complications⁶⁴.

5. HOW DO WOMEN CONTRIBUTE TO THE PROTECTION OF REFUGEES AND IDPS?

Women are important actors in situations of displacement, although their contributions usually go unnoticed. In addition to women's individual actions as mothers and caretakers, they often organise themselves and play a pivotal role in refugee and IDP camps and in ensuring the most vulnerable groups have access to support. Their activities have included:

Organising to Implement Programmes in Difficult Circumstances—Afghan women's organisations have successfully implemented programmes for displaced persons in both **Pakistan** and **Afghanistan**. The Afghan Women's Resource Centre has provided health, education, income generation, skills training and relief distributions since 1987. Another women's organisation, Shuhada, has provided health and education inside and outside Afghanistan since 1989. The Afghan Women's Education Centre has provided trauma counselling and advice to destitute women, projects for street women and children and relief distributions since the early 1990s. The Afghan Women's Welfare Department offers health, income generation, skills training, education and relief distributions.⁶⁵

Providing Assistance Despite Personal Risks—In **Colombia**, women's groups provide health and social services to victims of violence and IDPs and remain outspoken on peace and security issues. As a result of this type of activism, it is estimated that 17 percent of assassinated and disappeared leaders in **Colombia** in 2002 were women.⁶⁶

Facilitating Communication and Information—In refugee camps in **Tanzania**, UNHCR invited women to form their own committees or participate in mixed committees in order to facilitate communication between camp authorities and grassroots women. The women then organised to ensure vulnerable neighbours (e.g. the elderly, pregnant women and separated children) were linked to programmes run by international agencies.⁶⁷ The NGO *Assist Yourself* in Georgia publishes a newspaper for displaced women from Abkhazia and circulates information to them as a way of bridging the gap between them and local women. In 1999, it published a book called

Assist Yourself, which provides information about local services, procedures and entitlements for IDP women.⁶⁸

Women's groups are often skilled in creative ways of communicating their situation to each other and to others: a **Ugandan** displaced-women's group supported by Isis-WICCE devised and performed plays and dances about their life in "protected villages,"⁶⁹ while the **Sri Lankan** organisation Suriya used participatory video projects to enable women from different sides to express the pain and to record the reconciliation that follows.⁷⁰ The Ashtar Theatre Company in **Palestine** annually tours schools, youth, women's and disabled peoples' groups, devising plays that raise awareness of issues such as early marriage and sexual violence.⁷¹

Promoting Reconciliation and Peacebuilding—**Bosnian** women's organisations took the lead in providing services to returning refugees, welcoming back returning displaced and refugee populations into their communities of origin and providing gifts of food and supplies to displaced women. They took on this task as their contribution to peacebuilding.⁷² In **Burundi**, another context where violent intercommunal conflict led to displacement, women held "cultural days" during which resident and returning women shared food and performed dances for each other, and helped the returnee women resettle by providing land and labour for farming.⁷³ The **Sierra Leonean** woman Binta Mansaray has been active in organising humanitarian and human rights groups to advocate on behalf of **Liberian** refugees, as well as conducting an in-depth analysis of IDP women and elections in **Sierra Leone**.

Partnering with the International Community—Many projects supporting women refugees and IDPs are designed by professional women from the community, using their expertise in development and humanitarian work to draw the support of the international community. Fawsia Musse, encountering a huge outbreak of rape cases in **Somali** refugee camps in northeastern **Kenya**, worked with UNHCR to develop strategies such as improving security and protection, dialogue with camp elders and locally appropriate counselling.⁷⁴ At a **Macedonian** refugee camp for **Kosovar Albanians**, the **Bosnian** women's group *Kvinna til Kvinna* worked with German relief agencies

to utilise surplus tents for women in the camps to meet for counselling and support, as well as for discussion forums for their needs and concerns as refugees. As a result of these meetings, the women's recommendations and the advocacy of *Kvinna til Kvinna*, outdoor lighting was installed and guards patrolled the camps at night.⁷⁵

In recent years, some international groups have begun to capitalise on women's agency in the camps and encourage their active participation in the design and management of services and projects. Under UNHCR administration, the camp management committees composed of **Bhutanese** refugees in **Nepal**, for example, introduced a requirement in 2003 that 50 percent of all members of the distribution committees, the counselling board and senior leadership in the camps must be women.⁷⁶

Consulting women can have demonstrable impacts for the whole community. In **Afghanistan**, UNHCR worked with local women to design the New Shamshatoo refugee camp. According to one woman involved: "We were able to redesign it so that the baths were put in the centre of the camp, near the refugees homes. Now, women are much less likely to be attacked."⁷⁷

6. WHAT INTERNATIONAL LAWS, POLICIES AND GUIDELINES EXIST PERTAINING TO REFUGEE AND IDP WOMEN?

Women are entitled to the same protection as men in international humanitarian and human rights law: "In addition, recognising their specific needs, international humanitarian law grants women additional protection and rights...(often) related to their child-bearing role."⁷⁸ Article 6 of the **Declaration on the Protection of Women and Children in Emergency and Armed Conflict** states: "Women and children belonging to the civilian population and finding themselves in circumstances of emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence, or who live in occupied territories, shall not be deprived of shelter, food, medical aid or other inalienable rights, in accordance with the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and

Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration of the Rights of the Child or other instruments of international law."⁷⁹

UN Security Council Resolution 1325 (see appendix for full text) makes reference to the protection offered to women and girls affected by armed conflict in the Geneva Conventions, CEDAW, the Convention on the Rights of the Child, the Refugee Convention and the Rome Statute governing the International Criminal Court (see chapter on international mechanisms). These provide women and girls with rights as civilians. In relation to refugee and displaced women, the resolution urges that states, their armies and peacekeeping forces should receive training in the rights of women and girls to protection, and invites those responsible for camp design, protection, repatriation and resettlement to take into account the special needs of women and girls.

In 1991, UNHCR adopted the **Guidelines on the Protection of Refugee Women**,⁸⁰ which aimed to integrate the needs and resources of women into all programming to ensure protection and assistance. The Guidelines describe the process of assessing women's protection needs in both emergency and long-term refugee situations, addressing such factors as the characteristics of the refugee population and local attitudes towards them, the physical organisation of camps, social structures, physical safety provisions and access to services and legal systems. They describe typical protection needs and possible responses, presenting advice on gender-sensitive interviewing techniques and how humanitarian assistance projects can contribute to protection (e.g. through following guidelines when distributing relief items or the organising health care and education). An evaluation in 2000 noted that the Guidelines were not being adequately implemented and did not address current challenges.⁸¹ An update to the Guidelines, including IDPs, domestic abuse and urban refugees, was under way in 2004.

In 1995, UNHCR issued guidelines on the protection of refugees against sexual violence, updated in 2003.⁸² These propose preventive measures to be taken by UNHCR, host country authorities and assistance providers (through information, education

and training). They include advice on identifying incidents, conducting interviews, dealing with sexual violence in domestic situations and organising medical and psychosocial responses.

UNHCR later developed its **Five Commitments to Refugee Women**:⁸³

1. to develop integrated national strategies to address sexual violence (including domestic violence);
2. to register women individually and provide them with individual documentation to ensure their security, freedom of movement and access to services;
3. to ensure that 50 percent of refugee representatives on management committees are women;
4. to ensure that women participate in the management of food and non-food distribution so that these goods are directly controlled by a household's adult women; and
5. to provide sanitary materials to all women and girls as standard practice.

Following a review carried out by the Women's Commission for Refugee Women and Children, the Sphere Project—a group of humanitarian NGOs revised its manual on standards to include guidance on women's needs in humanitarian situations. The manual includes minimum standards in camp layout and facilities (e.g. the location of latrines, lighting and distribution centres), taking into account women's security needs. It urges the participation of women in needs identification and protection activities and stresses the need for agencies to be proactive in preventing gender-based violence and sexual exploitation.⁸⁴

In 1984, the **European Parliament** determined that women facing cruel or inhuman treatment because they seemed to transgress social mores should receive special attention for the purposes of determining refugee status.⁸⁵ **Canada**, the **US**, **Australia**, and the **UK** have issued guidelines for immigration officers and judges relating to gender-based persecution.⁸⁶ FGM is a generally accepted form of persecution for refugee status in many western countries.

7. WHAT INTERNATIONAL ASSISTANCE IS AVAILABLE FOR REFUGEE AND IDP WOMEN?

UNIFEM, the UN Development Fund for Women, “provides financial and technical assistance to innovative programmes and strategies that promote women's human rights, political participation, and economic security.”⁸⁷ UNIFEM's three priority areas are (as of September 2004): economic security and rights; women's human rights; and governance, peace and security (emphasising women's participation in decision-making and leadership as an essential component of the latter). UNIFEM does not offer direct assistance but provides strategic and catalytic support to women's participation in peace processes and policy reform. It has catalysed support for refugee and displaced women by means of a needs assessment for Burundian refugees in Tanzania, carried out by its African Women in Crisis programme (AFWIC), and ensuring that the 2002 Consolidated Appeals for the Great Lakes addressed human rights abuses of displaced women.⁸⁸

UNICEF, the UN Children's Fund, provides important support to children in war-affected contexts, including protection, support to schools and out-of-school activities, training for young people in landmine awareness and HIV prevention and advocating against the sexual abuse of children (see chapter on children's security).⁸⁹

The **World Food Programme (WFP)** specifically targets women to ensure equal access to food, in the belief that women are the first and fastest solution to alleviating hunger and poverty. WFP's experience is that food placed under women's management reaches children more efficiently and frequently. In 2003, over 50 percent of WFP's food recipients were female.⁹⁰ Its goals are to ensure that 80 percent of its food relief will be distributed to women and 50 percent of its educational resources allocated to girls.

UNRWA supports 71 women's centres throughout the refugee community that offer training and advice on legal and civic matters and operate a “legal literacy” programme.⁹¹ UNRWA supports the work of **Palestinian** women's organisations, including the Women's Studies Centre,⁹² which documents women's voices and helps develop the skills of women writers and the Women's

Centre for Legal Aid and Counselling,⁹³ which offers services through its social work, legal aid, health, advocacy and legal literacy units.

The Women’s Commission for Refugee Women and Children (the Women’s Commission) works to improve the lives and defend the rights of refugee and internally displaced women, children and adolescents. Its activities include advocating for their inclusion and participation in humanitarian assistance and protection programmes; providing technical expertise and policy advice to donors and organisations that work with refugees and the displaced; making research-based recommendations to policy-makers; and ensuring that the voices of refugee women, children and adolescents are heard at all levels—within communities, governments and international organisations. The Commission’s work includes projects on adolescents and youth, detention, asylum, reproductive health and participation and protection.⁹⁴ Refugees International⁹⁵ advocates for displaced women’s rights based on local experience and research. It has raised the awareness of international peacekeepers in **West Africa** of the need to establish monitoring systems for gender-based violence, urged the Government of **China** to take action over the kidnapping of **North Korean** women as brides and their consequent vulnerability to deportation, ensured that UNHCR addresses the lack of protection for refugees serving as counsellors in refugee camps in **Tanzania** and identified the need for psychosocial programmes to support refugee women in **Guinea**. The Reproductive Health Response in Conflict Consortium runs a gender-based violence initiative stressing the need for coordinated and multisectoral approaches.⁹⁶ Human Rights Watch documents examples of the trafficking of women refugees.⁹⁷

Multilateral organisations and international NGOs provide support—financially and through information, training and networking—to women’s initiatives at national and local levels. For example, the Women’s Commission on Refugee Women and Children runs the Protection Partners Project, a partnership with local women’s organisations and individuals who monitor and report on the needs of women and girls in **Colombia** and **Afghanistan/Pakistan**.⁹⁸ A statement from the Protection Partners Project, for example, stresses that “effective participation includes women in decision-making, management, monitoring and implementation. It also involves

centering our decisions on what the conflict and the rebuilding means from a woman’s perspective with equal weight to the views of men.”⁹⁹

In western countries, women’s organisations have worked closely with their governments on asylum issues. For example, in 2000 the European Women’s Lobby campaigned for a draft directive of the **European Union** that focused attention on four aspects of women’s persecution—FGM, rape as a war crime, forced marriage and guilt by association (with male family members). In **Britain**, the Refugee Women’s Legal Project worked alongside the UK Home Office in developing the 2000 Asylum Gender Guidelines. In the **US**, the Women’s Commission researched detention conditions for women asylum seekers and campaigns on specific cases.

Despite these extensive laws, guidelines and structures, there remain gaps in policies and implementation. The Women’s Commission asserts that there is a lack of effective guidelines on how **UNHCR** staff should respond to domestic abuse.¹⁰⁰ There is still a significant challenge in raising awareness and understanding policies among front-line personnel, (e.g. under international law, refugees have a right to seek asylum in a third country), yet often refugee women are not aware of their right to file a claim separate from that of their husband’s. Many governments view men as the sole applicant and only register a male head of household without respect to other members of the household.¹⁰¹ More connections between headquarters and the field are necessary to implement existing policies and mechanisms for protecting refugee and IDP women.

8. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

TO ENSURE REFUGEE AND IDP WOMEN’S PROTECTION

1. Review basic documents such as the Guiding Principles on Internal Displacement and consider how they apply to women in the context that concerns you. Are its provisions being respected? How can you address those areas that are not being addressed adequately?

2. Find out which body or bodies within your context (national government and UN) are responsible for protection and assistance to refugees and the internally displaced and how they intend to implement the Guiding Principles.
3. If you are a refugee or displaced woman, find out about your rights in the country where you are located to determine the opportunities and support to which you are entitled.
4. Find out the procedures for determining the status of asylum seekers, and advocate against inadequate implementation of international laws and guidelines.
5. Organise with other women and disseminate information to refugees and IDPs about the rights and opportunities available for work, access to services and social or legal support. Consider how to advocate with government and other assistance providers to address your needs.
6. of displacement and dependency and increase self-reliance. Ensure that assistance programmes are run with this in mind.
10. Organise with other women and disseminate information to refugees and IDPs about the rights and opportunities available for work, access to services and social or legal support. Consider how to advocate with government and other assistance providers to address your needs.

TO ENSURE REFUGEE AND IDP WOMEN'S VOICES ARE HEARD

5. If you wish to support refugee women and IDPs, find out about their background—what circumstances have they come from, what led them to flee, their experiences en route, the skills and expectations they bring with them, how they are living, what problems they and their families face now and what laws and other opportunities exist for them.
6. Identify the gaps in understanding between the displaced and their hosts. Work to establish mutual understanding and practical links between women of the displaced and host communities, building on their common concerns.
7. Ensure that assistance-providing organisations recognise the contribution that women's organisations already make, and ensure they are supported so that practical and other barriers can be overcome.

TO ENSURE EFFECTIVE ASSISTANCE FOR REFUGEE AND IDP WOMEN

8. Consider the specific vulnerabilities of refugee and IDP women and make provisions to combat them. This might mean demanding increased maternal and child health or education services, advocating for survivors of human rights abuses or removing legal impediments faced by women entrepreneurs
9. Enable refugees and IDPs to participate in the management and implementation of assistance programmes to help people overcome the impact

WHERE CAN YOU FIND MORE INFORMATION?

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ACRONYMS

AFWIC	African Women in Crisis
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
ECHO	European Commission Humanitarian Aid Office
FGM	Female Genital Mutilation
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
IA	International Alert
IASC	Inter-Agency Standing Committee of the United Nations
IDPs	Internally Displaced Persons
IOM	International Organization for Migration
IRC	International Rescue Committee
MONUC	United Nations Mission in the Democratic Republic of the Congo
MSF	Médecins Sans Frontières (Doctors without Borders)
NGO	Non-Governmental Organisation
ICRC	International Committee of the Red Cross
OCHA	Office for the Coordination of Humanitarian Affairs of the United Nations
OFDA	Office of Foreign Disaster Assistance of the United States Agency for International Development
UK	United Kingdom
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNIFEM	United Nations Development Fund for Women
UNRWA	United Nations Relief and Works Agency
USAID	United States Agency for International Development
WFP	World Food Programme

ENDNOTES

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Sexual and Reproductive Health, Rights and Services

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Sexual and reproductive health, rights and services (SRH R&S) are important for everyone. Men and boys often suffer from a lack of sexual and reproductive rights through inadequate access to information, services and care, but women and young girls of childbearing age are generally more vulnerable to sexual assaults and reproductive ill-health. This is exacerbated in situations of conflict when women are exposed to increased levels of violence, lack of security and poor access to safe medical health services.

In the early 1990s, a number of factors focused global attention on the provision of reproductive rights, health and services to refugees and displaced populations. Crises in the **former Yugoslavia** and **Rwanda** heightened awareness of the specific reproductive health needs of refugee women. As a response, the Women's Commission for Refugee Women and Children published a report highlighting the increased health risks women face in refugee settings.¹ The report noted the serious neglect of many aspects of reproductive health care in these situations and called for increased international attention to the provision of full reproductive health services.

In 1994, at the **International Conference on Population and Development (ICPD)** in Cairo, 179 countries agreed on a plan to transform and fund reproductive health programmes. The final document and **Programme of Action (PoA)** call for universal access to basic reproductive health services and specific measures for fostering human development and the social, economic and health status of women.² Despite sound arguments based on public health concerns, human rights and social justice, in many countries comprehensive reproductive health care is still insufficiently understood or applied. The situation is even worse in conflict and post conflict situations.³ This chapter examines reproductive health issues, rights and services that affect populations primarily within conflict and post conflict situations.

1. WHAT ARE SEXUAL AND REPRODUCTIVE HEALTH, RIGHTS AND SERVICES?

Reproductive health is defined by the PoA of the ICPD as “a state of complete physical, mental and social well-being in all matters relating to the reproductive health system and to its function and processes. It implies that people have the capability to reproduce and the freedom to decide if, when and how often to do so.”⁴ Reproductive health is not merely about the absence of disease or infirmity.

Reproductive and sexual rights, according to the ICPD, include human rights already recognised in national laws and in international human rights documents such as the Universal Declaration on Human Rights. They include a person's right to:

- information, education, skills, support and services needed to make responsible decisions about sexuality consistent with their own values;
- bodily integrity and voluntary sexual relationships;
- a full range of voluntary and accessible sexual and reproductive health services;

- express one's sexual orientation without violence or discrimination;
- decide freely and responsibly the number, spacing and timing of their children and the information and means to do so;
- attain the highest standard of sexual and reproductive health; and
- make decisions concerning reproduction free of discrimination, coercion or violence.

Sexual and Reproductive Health Rights and Services (SRH R&S) covers a wide range of services and rights defined in the PoA that contribute to reproductive health and well-being by preventing and solving reproductive and sexual health problems. These include family planning, counselling, information, education, communication and services; education and services for prenatal care; infant and women's health care; prevention and appropriate treatment of infertility; prevention of abortion (although prevention of unwanted pregnancies is given the highest priority); provision of safe abortion services (where legal) and the management of the consequences of abortion; treatment of infections of the reproductive organs; sexually transmitted infections (STIs) including HIV/AIDS; breast cancer and cancers of the reproductive system; and active discouragement of harmful traditional practices such as female genital mutilation (FGM).⁵

REPRODUCTIVE HEALTH OF WOMEN AND GIRLS

Reproductive behaviour is governed by complex biological, cultural and psychosocial relations; therefore, reproductive health must be understood within the context of relationships between men and women, communities and societies. Women bear the greatest burden of reproductive health problems and their vulnerability to reproductive ill-health is increased by biological, cultural, social and economic factors.⁶

The challenge often starts in childhood. For example, a female child who is malnourished from birth, or who is subjected to harmful traditional practices such as FGM,⁷ may enter adolescence and adulthood with anaemia and other physical problems as well as psychosexual trauma related to the traditional

practice. This can cause problems during pregnancy and childbirth. Women who have undergone FGM can have problems relating to menstruation, pregnancy and childbirth.

Adolescent girls are often at risk of unwanted pregnancies and are vulnerable to STIs, including HIV/AIDS, due to their lack of accurate information about reproduction and access to reproductive health services, including contraception.⁸ In conflict-affected societies, adolescent girls are particularly vulnerable to sexual abuse and rape. Pregnancy and childbirth during this period carry considerable risks. Girls 15–19 years old are twice as likely to die in childbirth as women in their twenties. An estimated 46 million abortions are carried out annually across the world. Approximately 20 million are considered to be unsafe,⁹ and between 25 to 30 percent are carried out on adolescent girls.¹⁰

FAMILY PLANNING, CONTRACEPTION AND PREGNANCY

A woman's ability to space or limit the number of her pregnancies, as well as the outcome of her pregnancy, has a direct impact on her health and well-being. In enabling women to exercise their reproductive rights, family planning programmes can improve the social and economic circumstances of women and their families. The World Health Organization (WHO) estimates that about 123 million women around the world, mostly in developing countries, do not use contraception despite their expressed desire to space or limit the number of pregnancies and births they may have.¹¹ Family planning needs are often not met due to poor access to quality services, a limited choice of contraception methods, lack of information, concerns about safety or side effects or a partner's disapproval.

Pregnancy and childbirth bring their own particular problems. Every day it is estimated that 1,600 women in developing countries die from complications during pregnancy. In addition to maternal deaths, half of all the estimated eight million infants born each day die in the first month of life, due primarily to inadequate maternal care during pregnancy. If women were healthy during pregnancy and had access to basic medical care before, during and after childbirth, the majority of mother and infant deaths could be prevented.¹²

An estimated 28 percent of all pregnancies occurring around the world every year are unintended.¹³ According to WHO, millions of women around the world risk their lives and health to end unwanted pregnancies. Every day, 55,000 unsafe abortions take place with 95 percent of them occurring in developing countries. This can lead to the deaths of more than 200 women daily. Globally, one unsafe abortion takes place for every seven births.¹⁴ WHO estimates that globally, one maternal death in eight is due to abortion-related complications. In some settings a quarter or more of all maternal deaths are abortion-related.¹⁵

Many women are afraid to seek treatment for abortion-related complications, leading to countless deaths outside of hospitals. Between 10 and 50 percent of all women who undergo unsafe abortions need immediate medical care for related complications including haemorrhages. Long-term health problems range from chronic pelvic pain to infertility. Such problems can limit women's productivity inside and outside the home, hinder their ability to care for children and adversely affect their sexual and reproductive lives.¹⁶

Yet unsafe abortion is one of the most easily preventable and treatable causes of maternal death and injury. During the ICPD, governments recognised unsafe abortion to be a major public health issue and called for prompt, high quality and humane medical services to treat the complications resulting from unsafe abortion. They also called for compassionate post-abortion counselling and family planning services to promote reproductive health, reduce the need for abortion and prevent further unsafe abortions. Governments also called for the provision of safe abortion services where they are not against the law.¹⁷

REPRODUCTIVE ILL HEALTH

Research has shown that reproductive ill health accounts for approximately 36 percent of the total disease burden among women of reproductive age (15–44 years) in developing countries, compared to an estimated 12.5 percent in men. For women, three conditions are particularly relevant: pregnancy-related deaths and disabilities, STIs and HIV/AIDS.¹⁸ A number of factors increase women's vulnerability to reproductive ill health, including:

- restrictions on information about sexuality, condoms and other contraception, disease, prevention and healthcare;
- harmful traditional practices such as ritual intercourse with a male relative after the death of a husband, FGM, ritual scarification, tattooing and bloodletting;
- early marriage;
- inability to negotiate safe sex;
- discrimination against women in education, employment and social status;
- laws that reinforce women's economic dependency on men and reliance on prostitution for economic survival (of adults and children); and
- war, famines, natural disasters, political oppression, poverty and displacement.

2. HOW DOES CONFLICT AFFECT THE DELIVERY OF REPRODUCTIVE HEALTH AND SERVICES?

During conflicts, health services and health facilities may be destroyed and health personnel may become targets. During the genocide in **Rwanda**, over half of the health workers were killed. In **Bosnia and Herzegovina**, 40 percent of physicians left the country and did not return. Sanctions against countries in conflict may also affect women's reproductive health and their access to health care and services. In **Iraq**, after the Gulf War, women's access to gynaecological care decreased and in **Serbia**, during the sanctions period, more women between the ages of 25–44 years died than in the previous years.¹⁹

Conflict also adversely affects the safe and effective delivery of SRH R&S in various ways, including the breakdown of health services, forced mobility of refugees and internally displaced persons (IDPs) and malnutrition and epidemics that diminish the strength and immunity of ill and breast-feeding women. Women's vulnerability is exacerbated in situations of conflict because of increased levels of violence, lack of security and poor access to safe medical health services. For example, much of **East Timor's** medical facilities were destroyed during the violent conflict and unrest there, thus affecting the

reproductive health of countless women.²⁰ In **Bougainville**, the blockade by the **Papua New Guinean Defence Force (PNGDF)** and the destruction of hospitals and health clinics severely affected maternal and child health.²¹ In **Afghanistan** in 2001, hundreds of Afghans crossed the **Iran** and **Pakistan** borders, among them thousands of pregnant women fleeing violent conflict.²² Poor Afghan health services and the rise of malnutrition increased the dangers to women during pregnancy and childbirth. Additionally, the **United Nations Development Fund for Women (UNIFEM)** reports that African countries with the highest maternal death rates—including the **Democratic Republic of the Congo (DRC)**, **Sierra Leone** and **Eritrea**—are also countries that have experienced years of conflict and instability.²³

THE VULNERABILITY OF WOMEN: SEXUAL AND GENDER-BASED VIOLENCE (GBV)

The term sexual- and gender-based violence (GBV) includes a variety of abuses, sexual threats and coercion, exploitation, molestation, humiliation, incest, trafficking, smuggling, forced marriage and forced prostitution²⁴ (see chapters on HIV/AIDS and peace support operations). This section focuses primarily on rape and domestic violence.

The United Nations High Commission on Refugees (UNHCR) has stated that “during war and armed conflict, violations of human rights and gender-based violence increase dramatically. Gender-based violence and persecution are often adopted as tactics of war and terrorism. Indeed, recent history has all too often seen sexual violence and rape used deliberately and strategically as a weapon of war. Sadly this kind of abuse can follow a refugee woman throughout her life as a refugee.”²⁵ Additionally, the **United Nations Special Rapporteur on Violence Against Women** has highlighted the continuum of violence from the private to the public sphere. This was reinforced by many speakers at the recent high-level conference, *Gender Justice in Post Conflict Situations: Peace Needs Women and Women Need Justice*, organised by UNIFEM and the **International Legal Assistance Consortium (ILAC)**.²⁶

Rape and sexual violence as a weapon of war: Rape can be used as a symbol of domination, as a means

of instilling terror, as an instrument of torture, to dehumanise sections of the community, to impregnate as a means of ethnic cleansing, to infect with STIs and to destroy family and community relationships. It is estimated that in **Sierra Leone**, over 50 percent of women experienced sexual violence during the war and, during the collapse of the **former Yugoslavia** in the 1990s, over 20,000 **Bosnian** women were raped.²⁷

Between 2003 and 2004, the unprecedented level of violence, degradation and humiliation experienced by women in the **DRC** led many to call such actions “a war within a war and a war against women.”²⁸ In 2004 in **Darfur, Sudan**, the rape and sexual assault of women has been widespread and systematic.²⁹ In **Haiti**, research by the **Centre Haitien de Recherches et d’Actions pour la Promotion Feminine** highlighted that in 1996, 60 percent of women reported experiencing violence, 37 percent of whom had suffered sexual violence, including rape, sexual harassment and sexual aggression.³⁰

Women face sexual violence during all phases of the conflict and displacement. For example, during the years of conflict in **Bougainville**, both women and girls were at risk of rape.³¹ Perpetrators of violence often include:

- police, military, guerrilla forces, peacekeepers or prison officers in detention centres, concentration camps and rape camps. Male camp leaders use women as exchange for arms, ammunition or other benefits;
- bandits, pirates, smugglers and border guards. Members of the security forces can also demand sex in exchange for women’s safe passage into countries where they seek asylum or when they try to return to their homes;
- camp residents, the local population and international and national camp staff. Limited resources and lack of protection from male members of the family can leave women vulnerable to sexual exploitation; and
- hostile communities, government and security officials in post conflict situations.³² In addition, there may be a resurgence of FGM as a way of reinforcing cultural identity.

Women raped in conflict and post conflict settings may become pregnant, but often do not want to give birth to the children conceived in such circumstances. Some **Bosnian** and **Kosovar** women who became pregnant as a result of sexual violations chose abortion or abandoned their babies at birth.³³ One viewpoint within the health service community is that access to emergency contraception or the morning-after pill may be an inexpensive and effective means of ensuring that unsafe abortions are avoided.

Domestic violence: In conflict and post conflict situations, the roles undertaken by men and women are often reversed due to the breakdown of societal structures. Men who are not employed may be stressed and frustrated and may spend most of their time socialising or drinking. In such situations, the incidence of domestic violence also surges.³⁴ Surveys of **Sudanese** refugees in **northern Uganda** have highlighted a high rate of domestic violence due to inadequate employment opportunities for men. In **Angola**, during 1997–99, there were 3,550 cases of violence of different types against women, with 60 percent registered as domestic violence.³⁵ In some instances, this is related to men’s stress and the humiliation they experience in the public sphere, often at the hands of state or official security forces.

In other cases, as men return home from war, they are often traumatised, accustomed to violent behaviour and not equipped to resolve issues non-violently. As a result, women are forced to live with the threat of violence on a daily basis. In many places, domestic violence in particular is still not regarded as a serious offence. Effective prevention strategies, therefore, must focus on men, changing their attitudes to gender-based violence (GBV) and building their support against such violence. In **Cambodia** and **South Africa**, for example, men’s networks against domestic violence have emerged and, have begun campaigns to end violence against women.³⁶

THE VULNERABILITY OF MEN AND BOYS

As in the case of women, the SRH R&S of men and boys are affected in situations of conflict, displacement or detention. Sexual violence against adult males, adolescents and boys escalates. In conflict situations, men, like women, may experience humiliation and confusion about their sexuality. In some societies where men have been discouraged to be open about their feelings, they may find it very

difficult to recognise what has happened to them. With little or no services, they are often forced into silence and ignorance. In conflict situations, adult men and older boys may also be victims of sexual violence and gender-based abuse, such as sex-selective massacre and forced recruitment.³⁷

THE IMPACT OF MEN AND BOYS’ ACTIONS ON THE REPRODUCTIVE HEALTH OF WOMEN

WHO has categorised men’s impact on women’s reproductive health as the following:³⁸

Men as service users: Men and boys are at risk of contracting STIs and HIV/AIDS during conflict and displacement as they may develop risky sexual relationships that increase their vulnerability. It is important that education on safe sex, STIs and HIV/AIDS counselling and services are accessible to all. Family planning programmes should deliberately target men, not only to inform them of the dangers associated with risky sexual behaviour, but also about effective family planning and how to care for their partners and children. Condom distribution programmes should also target men directly.

Men as recipients of education and social-behaviour programmes: There is a growing perception of the need to focus resources on programmes seeking to educate men and boys to change their attitudes and behaviour concerning SRH. Men’s improved knowledge and access could protect and promote women’s reproductive health and rights.

Men as decision-makers: Men may have an influential role in decision-making related to the provision of sexual and reproductive health care and services to communities and to their own families. In many cultures, men often make the final decisions about family planning, economic spending on SRH medical services or even on the type of ante-natal, pregnancy and breastfeeding care that their partners receive. At the community level, men as political, religious or other leaders, may also influence the type, quality and quantity of services and rights the community in general is allowed to receive.

REFUGEES, INTERNALLY DISPLACED PERSONS (IDPs) AND REPRODUCTIVE HEALTH CARE

While their need for comprehensive reproductive health care and services remains, refugees and

internally displaced persons (IDPs) often have limited access to such care. Where it does exist, it is often basic and for emergency purposes. In such situations women's vulnerability is increased. In **Colombia**, violence and displacement are leading causes of an increase in unsafe abortions,³⁹ while in IDP camps in **Sri Lanka**, births are less well-spaced, resulting in worse outcomes than before displacement.⁴⁰

During displacement, women also suffer a variety of mental health problems caused by the violence they experience, and this can affect their reproductive health. Studies conducted with **Afghan** women during the Taliban rule found that 97 percent of women suffered from depression, 86 percent displayed significant anxiety, 42 percent suffered post-traumatic stress disorder (PTSD) and 25 percent frequently contemplated committing suicide and did not want to become pregnant.⁴¹ Additionally, women's childbearing role exposes them to a range of potential problems including:

- stress and malnutrition, which endangers the health of pregnant and lactating women and their children;
- loss of the extended network of family support when a woman is pregnant and breast-feeding;
- lack of practical or emotional support for traumatised women;
- young, single, widowed or disabled women may be at particular risk of sexual violence;
- the breakdown of family and social networks can result in many female-headed households. These women may be forced to offer sex in exchange for food, shelter or protection; and
- social changes associated with conflict may erode women's authority to control their own reproductive lives. For example, women may be pressured to become pregnant to produce children to replace those who have died.

THE IMPACT OF CONFLICT ON THE SEXUAL REPRODUCTIVE HEALTH, RIGHTS AND SERVICES OF ADOLESCENTS

During conflict, the destruction of social structures adversely affects the emotional and psychological growth as well as the sexual development of adolescents. The absence of traditional forms of

guidance in the transition to adulthood may result in earlier and increased risk-taking behaviour, including the use or abuse of tobacco, drugs and alcohol. Poor nutrition and violence can be inflicted both by and on adolescents.

Their desire to plan for the future may diminish, affecting adolescents' motivation and ability to take the necessary steps to avoid STIs, HIV/AIDS and unwanted pregnancies. Adolescent girls, both married and unmarried, who become pregnant may find themselves without the support to cope with pregnancy, childbirth and raising a child.

The risks of unsafe abortion may also increase when both social support networks and health services are disrupted. The WHO representative in **Liberia** estimates that up to 80 percent of displaced girls have an induced abortion by the age of 15.⁴² Unaccompanied minors, whether boys or girls, are especially vulnerable to violence and other forms of sexual exploitation. They may turn to prostitution in order to survive. They are also far more vulnerable to poor health in general. In **El Salvador**, studies show that there is a high rate of suicide among refugee adolescents.⁴³ Additionally, the ideas of aggressive masculinity learned by child and adolescent soldiers can have a profound and long-term negative impact on their own reproductive health and on that of the communities with which they come into contact.

ADDRESSING SEXUAL REPRODUCTIVE HEALTH, RIGHTS AND SERVICES

Since the ICPD and the PoA, attention has focused extensively on women's SRH R&S. The rights of women in situations of conflict have been strengthened by **United Nations (UN) Security Council Resolution 1325** and other developments at the international level that condemn violence against women and call for effective care. Ongoing debates centre on the merits of comprehensive health care, including affordable, equitable and rights-based reproductive health that will take account of the needs of women and girls in refugee settings. However, the effective delivery of SRH services, especially during conflict, depends on political commitment as well as sustained and adequate funding.

Insufficient funding is made worse by the policies of some governments. The US government, the largest supporter of reproductive health services for refugees

and IDPs, has currently withdrawn or restricted the use of funding for some UN agencies and other organisations. The **Mexico City Policy** (also known as the Global Gag Rule) restricts **United States Agency for International Development (USAID)** funding to organisations that are involved in abortions and abortion-related cases that have not received prior approval.⁴⁴ Other donors such as the **European Union (EU)** have tried to fill the gap, but as the funding priorities of donors shift, the ability to maintain current levels of SRH services is threatened. Moreover, an estimated 37 million displaced persons are also at risk. Many programmes, including HIV/AIDS prevention, have been reduced and family planning, the provision of contraceptives and other services, have been cut. This increases health risks and endangers the lives of the many women, men and children living in conflict-affected situations.⁴⁵

With the increased focus on HIV/AIDS, there is also the danger that attention will be focused primarily on this disease, rather than on a comprehensive address of health care needs that also includes attention to other infectious STIs such as chlamydia, syphilis or gonorrhoea.⁴⁶

3. WHAT INTERNATIONAL MANDATES AND POLICIES EXIST TO ADDRESS AND DELIVER SRH R&S ?

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): Article 12 of CEDAW requires states to eliminate discrimination against women in access to health services throughout their life cycle, particularly in the areas of family planning, pregnancy and childbirth. The Convention stressed that access to health care, including reproductive health, is a basic right.⁴⁷ It also calls on governments to provide appropriate services relating to pregnancy, birth and breast-feeding.⁴⁸

The Convention on All Forms of Racial Discrimination promotes the right to the highest standard of health, including reproductive health in paragraph 5e (IV).⁴⁹

The **International Conference on Population and Development (Cairo, Egypt, 1994)** resulted in the PoA that sets out the context of health promotion

and protection in all situations, including reproductive health. Paragraphs 7.2–8.35 calls on governments to take a number of actions to promote the right of an individual to the highest standard of health, including reproductive health and rights. The Review of the ICPD deals with the issue in paragraphs 52–72.⁵⁰

The Beijing Platform for Action (BPFA, 1995) and Beijing +5 (2000): The BPFA incorporated much of the ICPD language on reproductive rights. The platform states that “good health is essential to leading a productive and fulfilling life, and the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment.” It further states that “the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.”⁵¹

International Covenant on Economic Social and Cultural Rights (ICESCR): Article 12 of the ICESCR recognises the right of everyone to the highest standard of physical and sexual health. Governments are required to take all steps necessary to reduce stillbirths and maternal deaths.⁵²

The Convention on the Rights of the Child (CRC) recognises the responsibility of governments to promote the rights of children (see chapter on children’s security). It also promotes the right to family planning services. Article 24 requires government to ensure appropriate prenatal and postnatal health care for mothers. Article 34 requires governments to protect the child from all forms of sexual exploitation and sexual abuse, and asks governments to take all effective and appropriate measures with a view to abolishing traditional practices that harm the health of children. Nearly all governments have signed this convention. It is therefore a strong tool for holding governments accountable.⁵³

United Nations Special Rapporteur on Violence Against Women: Since the appointment of a Special Rapporteur on violence against women in 1994, the UN has received regular reports on the prevalence of different forms of violence, the legal responses that exist and recommendations for action. These

reports, available in English, French and Spanish, address violence within the family, including battery, marital rape, incest, forced prostitution, violence against domestic workers, child abuse and female infanticide; violence in the community, including rape, sexual violence and sexual harassment; trafficking in women and forced prostitution; violence against migrant workers and refugees; violence against women in wartime and in the criminal justice system; and religious extremism. The Special Rapporteur on Violence Against Women has also addressed policies and practices that have an impact on women's reproductive rights.⁵⁴

UN Security Council Resolution 1325 (October 2000): While this resolution does not specifically mandate the protection of women's SRH R&S, it does call on all parties to armed conflict to take specific measures to protect women and girls from gender-based violence.⁵⁵

4. WHO IS INVOLVED IN THE PROVISION OF SEXUAL AND REPRODUCTIVE SERVICES?

Many organisations and agencies are involved in the provision of sexual and reproductive health care services. They include UN agencies, bilateral aid agencies, governments and international and national non-governmental organisations (NGOs), some of which are noted below.

UN AGENCIES

United Nations High Commissioner for Refugees (UNHCR): This agency leads and coordinates international action to protect refugees and resolve their problems worldwide (see chapter on refugees and IDPs). Its primary purpose is to safeguard the rights and well-being of refugees. In addition, UNHCR has produced practical guides such as *Sexual Violence Against Refugees: Guidelines and Prevention, A Response* (UNHCR 1995) and *An Inter-Agency Field Manual on Reproductive Health in Refugee Situations* (UNHCR 1999).⁵⁶

United Nations Population Fund (UNFPA): UNFPA is the world's largest international source of funding for population and reproductive health programmes. UNFPA works with governments

(including of countries affected by conflict) and NGOs in over 140 countries, at their request and with the support of the international community. UNFPA support programmes that help women, men and young people to plan their families and avoid unwanted pregnancies; to undergo pregnancy and childbirth safely; to avoid STIs, including HIV/AIDS; and to combat violence against women. UNFPA has produced a reproductive health kit for emergency situations to facilitate the implementation of the *Minimum Initial Service Package (MISP)*. These kits contain basic reproductive health materials for use at care centres. They include condoms, oral and injectable contraceptives, drugs for the treatment of STIs and kits with emergency contraception for women.⁵⁷

World Health Organization (WHO): WHO promotes the attainment by all peoples of the highest possible level of health and health care. WHO has designed a management guide titled *Reproductive Health during Conflict and Displacement: A Guide for Programme Managers* (2000). The Guide provides tools to assess, plan, implement and evaluate reproductive health within the broader context of planning and preparation for conflict and emergencies. It includes guiding principles. The WHO Guide also endorses a core package of reproductive health care measures and provides details of the implementation and actual delivery of the package of services. This guide is an orientation, awareness-raising and training tool for health care providers.⁵²

The Inter-Agency Working Group on Reproductive Health in Refugee Situations (IAWG): IAWG was set up in 1995 to strengthen reproductive health programmes in refugee situations. It is made up of about 30 organisations, including NGOs, UN agencies and academic institutions. The IAWG has produced the *Reproductive Health in Refugee Situations: An Inter-agency Field Manual* to facilitate the introduction of reproductive health services in all refugee settings.^{59 60}

At the regional level, there is **The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa**. Article 14 on Health and Reproductive Rights requires that governments respect and promote women's right to health. This includes control of their fertility, the right to decide

whether and when to have children and, protection against sexually transmitted infections—including HIV/AIDS—as well as the right to information about their own and their partners' health.⁶¹

Within the EU there is the *Communication from the Commission to the Council and the European Parliament: Health and Poverty Reduction in Developing Countries*.⁶² The European Commission adopted its Health and Poverty Communication in March 2002. This commits the EU to protect the most vulnerable people from poverty through support for equal and fair health. The EU's development policy on sexual and reproductive health is based on the ICPD's PoA. The EU policy also reflects the specific targets of the Millennium Development Goals (MDGs) that call for the empowerment of women and the reduction in maternal and child mortality.

Bilateral agencies such as the **Canadian International Development Agency (CIDA)** support empowering girls and women through better access to education, more economic and political participation in their communities and health services geared toward reproductive health and fewer and safer pregnancies. Protecting women against violence is also becoming an increasingly important health and development issue. The **Swedish International Development Cooperation Agency (SIDA)** has produced an Issue Paper on *Health and Human Rights*, which sets out SIDA's Department for Democracy and Social Development Health Division's policy on an individual's health.⁶³

Additionally, USAID, one of the most influential funders of reproductive rights and services, has a Global Health programme that includes a focus on, and funding for, child survival and maternal health, HIV/AIDS, infectious diseases, family planning and reproductive health.⁶⁴

NGOs AND OTHER AGENCIES

The **Marie Stopes International (MSI) Global Partnership** is at the forefront of worldwide initiatives to institutionalise reproductive health care in refugee settings. Active in 37 countries worldwide, the initiative collaborates with national governments and non-governmental actors, providing training in a range of issues and health care services to target populations.

The **Women's Commission** was founded in 1989 and is an independent affiliate of the International Rescue Committee (IRC). It works to improve the lives and defend the rights of refugee and internally displaced women, children, and adolescents. The Women's Commission's reproductive health projects promote quality comprehensive reproductive health care for refugee women, men and adolescents in the areas of safe motherhood, family planning, HIV/AIDS, STIs and sexual and gender-based violence. The Women's Commission also undertakes advocacy work to ensure that reproductive health is on the agenda of humanitarian assistance organisations, policy-makers and donors.⁶⁵

The **Reproductive Health Response in Conflict Consortium (RHRC Consortium)** This consortium is made up of the American Refugee Committee (ARC), CARE-America, the International Rescue Committee (IRC), John Snow International Research and Training Institute (JSI), Marie Stopes International (MSI) and the The Women's Commission. It is dedicated to the promotion of reproductive health among all persons affected by armed conflict. The RHRC Consortium promotes long-term access to comprehensive, high-quality reproductive health programmes in emergencies and advocates for policies that support the reproductive health of persons affected by armed conflict. Its three fundamental principles are to use participatory approaches to involve the community at all stages of programming, to encourage reproductive health programming during all phases of an emergency and to employ a rights-based approach as defined by the PoA of the ICPD.⁶⁶

KEY INITIATIVES TO DELIVER REPRODUCTIVE HEALTH, RIGHTS AND SERVICES

While the challenges remain, advocacy on the part of international NGOs and agencies dedicated to the protection of women and subsequent international resolutions, debates and policies have led to increased media and political attention to gender-based violence in conflict situations. This heightened profile has encouraged the development and implementation of gender-aware programmes and successful initiatives. The initiatives listed below provide examples of the range of activities that are taking place to address reproductive rights and can stimulate women peacebuilders to replicate or adapt the most appropriate ideas to their specific conflict or post conflict setting.

- Enlisting the Armed Forces to Protect Reproductive Health and Rights: Lessons from Nine Countries (UNFPA, 2003)—The organisational and human resources of military institutions are being drawn on to protect reproductive health and rights in both peacetime and conflict situations. UNFPA has worked with the military sector to reach out to men with information, education and services on family life, family planning and other sexual health concerns, including maternal health, HIV/AIDS prevention and the reduction of gender-based violence.⁶⁷
- Reproductive Health Care for Afghan Refugees in Pakistan (The Women's Commission, October 2003): The Women's Commission conducted a reproductive health assessment focused on the implementation of priority reproductive health activities among **Afghan** refugees in the Northwest Frontier, Baluchistan and Punjab provinces of **Pakistan** from August 2002 through June 2003. The assessment of these priority activities, also known as *Minimum Initial Services Package (MISP)*, revealed that while isolated efforts have been made to improve the quantity and quality of reproductive health care for Afghan refugees in Pakistan, many programmes are limited to traditional maternal and child health care services and the quality of RH care is a significant concern.⁶⁸
- Increasing leadership and action to prevent GBV: In the displaced camps of **Burmese** refugees on the **Thai** border, UNHCR has provided training to NGOs and Burmese women's organisations to prevent and address gender-based violence. The training focused mainly on building capacity and has resulted in a GBV response protocol known as the *Automatic Response Mechanism (ARM)*, a step-by-step guide for assisting survivors.⁶⁹
- Providing reproductive health services to the internally displaced: Population Services Lanka (PSL), with the assistance of MSI and USAID, has carried out a project to provide integrated reproductive health care to communities affected by armed conflict in the northern and eastern parts of **Sri Lanka**. Initiated in 1995, the programme provides clinic and outreach services to IDPs.⁷⁰
- Saving Women's Lives—Hope after Rape is a programme in **Uganda** that counsels and assists abused women and children, including refugee children abducted into sex slavery. This NGO was set up by a female psychiatrist to counsel rape victims, who in Uganda were traditionally shamed. They are referred to the programme through police and health care facilities. The programme has developed a manual for community volunteers to use in abused families, including those in which women abuse men. Hope after Rape focuses on research, training, advocacy, networking and providing psychosocial support.⁷¹
- Skills development for health professionals: A joint project on the reproductive health needs of women victims of violence in **Rwanda** was initiated by the Ministry of Family, Gender and Social Affairs, WHO and the Ministry of Health. As a result, a training-of-trainers course was conducted in January 1998. During the ten-day course, participants received increased knowledge about the medical and psychological results of violence and how to recognise post-traumatic stress disorder (PTSD).⁷²
- Marie Stopes Mexico is providing affordable reproductive health services for **Guatemalan** refugees and internally displaced Mexicans. The programme provides information, education and communication as well as family planning and maternal child health services.⁷³

5. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

Almost all countries struggle to expand access to health services. Because of insufficient resources, many countries initially offer a core package of basic services that are expanded as more resources become available. For the convenience of health users and state management, reproductive and sexual health services should be integrated into primary health care initiatives as well as services that cater to more specialised health needs. In order to ensure that governments and other actors comply with international policies and mandates, women's groups, NGOs and others could:

1. Advocate and lobby for adequate funds to support family planning and birth spacing services.
2. Develop alliances across sectors to promote information, education and communication on reproductive health services for men, women and adolescents.
 - Consider developing alliances with youth to lobby and advocate for the effective provision of services to adolescents and youth.
 - Initiate networks of men to support advocacy, public awareness-raising and education about reproductive health care issues among men. For example, in **South Africa**, they have set up a South African Men's Forum (SAMF) to address men's violence against women.⁷⁴
3. Reach out to traditional leaders, faith-based organisations and religious leaders, to gain support for public campaigns against gender-based violence, or for promoting safe sex and family planning etc.
4. Educate women on their reproductive health rights and policies that address services so that they may be able to demand their rights.
5. Educate women, girls, men and male youth about safe contraception methods and family planning services.
6. Launch a campaign together with other organisations on the impact of GBV on women. Include young girls, men and boys.
7. Document women's experiences with sexual and other gender-based violence. Develop a photo exhibition that you can show around the community on the dangers of reproductive tract infections and STIs, including HIV/AIDS.
8. Support breast-feeding initiatives and advocate to women of its benefits. Emphasise the importance of good nutrition before, during and after the birth of the child.
9. Organise round-table discussions with relevant officials of your government, community or regional policy-makers on gender-responsive delivery of sexual and reproductive services. Raise awareness of cultural issues such as FGM that can negatively affect women's reproductive health.
10. Work with traditional birth attendants, midwives and community-based women who perform FGM to raise awareness about the dangers and encourage prevention.

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ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
ARC	American Refugee Committee
BPFA	The Beijing Platform for Action
CEDAW	The Convention on the Elimination of All Forms of Discrimination Against Women
CIDA	Canadian International Development Agency
CRC	The Convention on the Rights of the Child
DRC	Democratic Republic of the Congo
EU	European Union
JSI	John Snow International Research and Training Institute
FGM	Female Genital Mutilation
GBV	Gender-Based Violence
HIV	Human Immunodeficiency Virus
IAWG	The Inter-Agency Working Group on Reproductive Health in Refugee Situations
ICESCR	International Covenant on Economic Social and Cultural Rights
ICPD	International Conference on Population and Development
IDPs	Internally Displaced Persons
IEC	Information, Education and Communication
ILAC	International Legal Assistance Consortium
IRC	International Rescue Committee
MDGs	Millennium Development Goals
MISP	Minimum Initial Service Package
MSI	The Marie Stopes International Global Partnership
PNGDF	Papua New Guinean Defence Force
PSL	Population Services Lanka
PTSD	Post-Traumatic Stress Disorder
PoA	Programme of Action
RHRC Consortium	Refugee Health Response in Conflict Consortium
SIDA	Swedish International Development Cooperation Agency
STIs	Sexually Transmitted Infections
SRH R&S	Sexual Reproductive Health, Rights and Services
UN	United Nations
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development
WHO	World Health Organization

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HIV/AIDS

ANCIL ADRIAN-PAUL

HIV/AIDS is the fourth most common cause of death worldwide. It is a direct threat to stability in many parts of the world. Governance may be threatened, as serious crimes and sexual violence increase. For example, UN Security Council Resolution 1308 states that “HIV/AIDS is exacerbated by conditions of violence that increase the risks of exposure to the disease through large movements of people, widespread uncertainty over conditions and reduced access to medical care. If unchecked, HIV/AIDS may pose a risk to stability and security.”¹

The death of men and women may result in significant reduction in productivity and labour. In 1999 in sub-Saharan Africa, 860,000 teachers died of AIDS, thus affecting the education of countless children.² In the South Pacific, in **Bougainville**, HIV/AIDS is affecting the sexually active, highly educated and economically productive members of communities, resulting in the loss of skilled labour and productivity, and increasing the socio-economic impact.³ The social burdens on the state also increase as children are orphaned. It is estimated that there are 14 million AIDS orphans in the world today and this figure is growing.⁴

The fundamental rights of infected persons are often violated based on their known or suspected HIV status.⁵ At the individual level, in addition to the physiological effects of the virus, fear, stigma, discrimination, shame and ignorance keep people from practicing prevention and seeking treatment, care and support. Women, due to gender inequality, poverty and other factors, make up the majority of newly infected persons.⁶ They face double stigma and discrimination if they or their partner contract HIV/AIDS. Many are blamed for the disease and can be treated badly as a result.

1. WHAT IS HIV/AIDS?

HIV is the **human immunodeficiency virus**.⁷ HIV attacks the immune system by replicating itself and overwhelming the human body over time, thus opening a way for **opportunistic infections (OIs)** such as tuberculosis (TB) and pneumonia. The **Acquired Immune Deficiency Syndrome** is the life-threatening condition known as **AIDS**, which is described “as a combination of symptoms that attack the human body following progressive damage to the immune system by the HIV virus. AIDS is not a disease but a syndrome.”⁸ The length of time between when a person becomes infected with HIV to when they develop AIDS varies from person to person. Individuals with HIV can remain healthy for any length of time between a few years to more than ten years before developing AIDS. Being infected with

HIV does not necessarily mean that an individual has AIDS, as some people can be **carriers** and **transmitters** of the HIV virus without developing full-blown AIDS.⁹

Once the disease has progressed to a moderately advanced state, an HIV positive person (HIV+) needs a three-drug combination of anti-retroviral (ARV) drug therapy to prevent the virus from destroying their immune system. This treatment is expensive, but is effective in prolonging a person’s life. There is currently no known cure for HIV/AIDS.

The HIV virus can be transmitted through:

- **Sexual intercourse:** The vast majority of HIV/AIDS infections are sexually transmitted, typically between men and women or men and men and in at least one case, between women.¹⁰

- **Pregnancy-related vertical transmission (mother to child transmission, or MTCT):** Women can transmit HIV to their babies during pregnancy or childbirth. Transmission during pregnancy is possible, but very rare. Approximately one-quarter to one-third of all untreated pregnant women infected with HIV will pass the infection to their babies when they give birth. HIV can also be spread to babies through the breast milk of mothers infected with the virus.¹¹
- **Blood transfusions** with unscreened or infected blood: Between 5 and 10 percent of HIV/AIDS infections worldwide are estimated to be transmitted through infected blood transfusions.
- **Sharing of infected needles and syringes** between drug users of either sex who inject drugs intravenously: Small quantities of infected blood may remain in needles or syringes and may contribute to the spread of the disease.
- **Tattoos and body piercing** may introduce tainted fluids into the bloodstream, resulting in the transmission of the hepatitis B virus as well as HIV.
- **Disfigurement:** Some traditional practices such as circumcision, female genital mutilation and ritualised scarring may also contribute to the spread of the hepatitis B and HIV viruses.¹²

MYTHS, TABOOS AND BELIEFS ABOUT HIV/AIDS

Many people do not understand what HIV/AIDS is or how it is spread, treated or prevented. This lack of understanding gives rise to incorrect beliefs about the virus, often derived from, and strengthened by, cultural and religious practices and traditions. Research conducted among 400 college students in **India** demonstrated that 55 percent of males and 68 percent of females knew that the disease was communicable and was spread by a virus, but only 9 percent knew exactly how it was transmitted.¹³ Innumerable myths exist about condoms carrying the virus. Many people still believe the myth that sex with a virgin or young girl can cure men of HIV/AIDS. In **Botswana**, where nearly 40 percent of the adult population has the virus, this myth is particularly widespread, and some men may deliberately seek out young girls for intercourse as a way of avoiding HIV infection.¹⁴ Another lesser-known myth is that sex

with older women can cleanse men of HIV/AIDS. This belief is said to result from the perception that when women stop menstruating, they become clean again. Other incorrect beliefs include that HIV can be transmitted through:

- everyday contact such as shaking hands, hugging, coughing or sneezing;
- using public toilets or swimming pools;
- sharing bed linen, eating utensils or food; and
- contact with animals, mosquitoes or other insects.

GENDER DIFFERENCES AND HIV

Gender relationships and sexuality are significant factors in the sexual transmission of HIV/AIDS. They also influence the treatment, care and support of those infected and affected by the disease. Gender is a culture-specific construct that results in differences in women's and men's roles and authority, including access to information relevant to decision-making about health. Women's sexual autonomy is affected by the power imbalances between men and women, thus increasing their vulnerability to HIV/AIDS within male-female relationships, including marriage.

Physiologically, women have a greater vulnerability to HIV as the soft tissue in the female reproductive tract tears easily during intercourse, especially during incidences of forced penetration. Women are also more likely to have other untreated sexually transmitted infections (STIs), which may not have noticeable symptoms. Additionally, women's differential access to medical care, counselling and information means that they are less likely than men to receive accurate diagnosis, care and treatment once they have contracted HIV/AIDS.

Additionally, in many societies, a culture of silence surrounds sex. Women are often ignorant about, and passive in, sexual interactions. This makes it difficult for women to be informed about risk reduction or, even when informed, to be proactive in negotiating safe sex.²⁰ Moreover, unmarried girls are often expected to remain virgins. The taboo of premarital sex restricts women's access to information, and this increases

Global Trends in HIV/AIDS¹⁵

Over 20 million people have died of AIDS since 1981. An estimated 4.8 million people became newly infected with HIV and 2.9 million died of AIDS in 2003. Some 37.8 million people are currently living with HIV.¹⁶

Asia: In Asia, about 7.4 million people are living with HIV. Around 500,000 are believed to have died of AIDS, and about 1 million are estimated to have been newly infected with HIV in 2003. The United Nations Population Fund (UNFPA) estimates that within the next decade, China and India, the two most populated nations in Asia, will be the most widely affected.¹⁷

The Australian Subcontinent: Over a five-year period, annual new HIV diagnoses have increased from around 650 cases in 1998 to about 800 in 2002.

Sub-Saharan Africa: Sub-Saharan Africa, with just over 10 percent of the world's population, has close to two-thirds of all people living with HIV—some 25 million. In 2003 there were an estimated 3 million people newly infected, while 2.2 million died of AIDS.¹⁸

North Africa and the Middle East: Available information, based only on case reporting, suggests that about 480,000 people are living with HIV in the region. Some 75,000 people are believed to have become newly infected in 2003.

Eastern Europe and Central Asia: At the end of 2003, about 1.3 million people were living with HIV, compared with about 160,000 in 1995. During 2003, about 360,000 people in the region became newly infected, while 49,000 died of AIDS. The Russian Federation, Ukraine, Estonia, Latvia and Lithuania are the worst affected countries. Women in these regions account for 33 percent of those infected.¹⁹

Latin America: About 1.6 million people are living with HIV in Latin America. In 2003, almost 84,000 people died of AIDS, and 200,000 were newly infected.

The Caribbean: Around 430,000 people are living with HIV in the Caribbean. In 2003, around 35,000 people died of AIDS, and 52,000 were newly infected.

the risks of infection and pregnancy. In places where it is believed that sex with a virgin “cleanses” or “cures” men of HIV/AIDS, young girls are at particular risk of rape and sexual coercion. Attempting to access treatment for STIs can be stigmatising and may be dangerous for adolescents, young women and young men.²¹

A woman's economic dependence on a man may result in her giving priority to his decisions on matters of sexual relations, the use of condoms or other protective measures. Men may also dictate the amount of financial resources to be spent on accessing health care. Women migrants, those employed in the informal economy, as market sellers for example, and women who work at home are less likely to have access to testing and counselling, care or prescription drugs. As a result

of their disadvantaged status, women may engage in commercial sex thus increasing their vulnerability to the virus. There is a direct correlation between women's low status, the violation of their human rights, and HIV transmission.²²

Violence against women is the most disturbing form of male power. It contributes both directly and indirectly to women's vulnerability to HIV. The threat of violence, actual physical violence and the fear of abandonment, act as significant barriers for women who have to negotiate the use of a condom, discuss fidelity with their partners or leave risky relationships.²³

MEN'S VULNERABILITY

Among other factors, the risk of men contracting HIV can increase as a result of cultural attitudes to

masculinity, fatherhood and the stigma of homosexuality. In some cultures, men are expected to be more knowledgeable and experienced about sex than women. Prevailing norms of masculinity that idealise men who have multiple partners can put men, particularly young men, at risk of infection, while shame, fear or stigmatisation can prevent them from seeking information or admitting their lack of knowledge about sex or protection. It can also encourage them to experiment with sex in unsafe ways to prove their manhood at a young age.²⁴ There is also the practice of late-age marriage in some societies, where men do not marry until they have built up economic resources. Meanwhile they may have no legitimate access to sex with women and so may engage in sex with other men, often younger men, thereby increasing their vulnerability.

HIV/AIDS, STIGMATISATION AND DISCRIMINATION

HIV/AIDS is strongly associated with stigmatisation, scapegoating, blame and discrimination. Stigma and discrimination affect everyone especially from children to AIDS widows, who are particularly vulnerable to violations of their inheritance and property rights. Orphans are frequently denied their right to schooling, and adoptive parents sometimes take away their inheritance unlawfully. Efforts to prevent HIV have at times unintentionally reinforced prejudice and stigma, resulting in an increased burden on those most badly affected. Research undertaken by the global consortium Agency for Cooperation and Research in Development (ACORD) in northern Uganda and Burundi indicate that stigmatising attitudes and discriminatory behaviour pervade all spheres of life, i.e. the home, family, workplace, school, health settings and the community at large.²⁵

HIV positive persons suffer neglect and lack of care and are frequently excluded from community gatherings. Children of **people living with HIV/AIDS (PLWHA)** may be cruelly teased at school and excluded from games and social interaction with their peers. In addition to their social exclusion, the basic human rights of PLWHA to health, housing, education and employment protection are affected. The ACORD research identified employees who were dismissed or denied access to training and

employment opportunities once their HIV status had been discovered. Such stigmatising and discriminatory attitudes negatively affect PLWHA and can seriously affect their emotional and physical health. Stigma and discrimination, and fear of being labelled, may also prevent people from being tested or from using condoms. In many cases, fear prevents people from attending clinics where they can seek and receive treatment, including ARVs.

Key factors contributing to the incidence and perpetuation of stigma and discrimination include ignorance and fear, cultural values, religious teachings, the absence of legal sanctions, lack of rights awareness, the design of government and NGO programmes and inaccurate and/or irresponsible media coverage.

HIV/AIDS AND SECURITY

HIV/AIDS is increasingly regarded as a security issue that can negatively affect social and economic progress. In its 2001 publication, the International Crisis Group (ICG) identified HIV/AIDS a threat on five levels:

- 1 personal security: as adult illness and fatality increases, there may be a decline in health and longevity and an increase in infant mortality. Families and communities can fall apart, and young people particularly “cease to have a viable future;”²⁶
- 2 economic security: increases in adult infection and fatality can reduce national growth and income;
- 3 communal security: HIV/AIDS “directly affects police capability and community stability. It breaks down national institutions that govern society. Furthermore, it affects those most educated and mobile—civil servants, teachers and health care professionals;”²⁷
- 4 national security: this is most evident in Africa, where military forces have higher infection rates than civilian populations. Severely weakened military and security structures can make states vulnerable to internal and external threats; and
- 5 international security: weakened military forces may mean that states cannot participate effectively in international peacekeeping operations.

2. WHAT IS THE IMPACT OF HIV/AIDS AND CONFLICT ON WOMEN?

The breakdown of societal structures resulting from conflict often means that women of all ages can become caretakers of family members and relatives, including orphans affected by and infected with HIV/AIDS.²⁸ This can prevent girls from going to school and women from contributing to the workforce or engaging in political activities, which in turn weakens the economic and social participation of the population at a crucial time of national crisis.

In such insecure situations, when life is threatened on a daily basis and poverty is on the rise, people—particularly women and girls—may sell sex to local populations as well as to peacekeepers, humanitarian, and other foreign workers as a means of economic survival. This increases their exposure to HIV/AIDS. Moreover, where security is a concern and men are seen as protectors, it is unlikely that women will be able to negotiate safe sex or to leave a relationship, even if it is perceived to be risky. The following also increase women's vulnerability to HIV/AIDS:

GENDER-BASED VIOLENCE

During armed conflict, women and girls are at greater risk of domestic violence, sexual exploitation, trafficking, humiliation, and other types of violence. Gender-based violence and sexual exploitation may include the use of small arms and light weapons (see chapter on small arms, light weapons and landmines). This type of violence increases women's vulnerability by lowering their self-esteem and limiting their mental and physical freedom. The use of sexual violence such as rape and systematic rape as a strategic, tactical weapon of war contributes to the spread of STIs, including HIV/AIDS. Recent examples from **Bosnia and Herzegovina** and **East Timor** reveal systematic use of rape and sexual violence as tools of war.²⁹ Rape victims in the **Rwandan** genocide report that HIV infection was deliberately used as a weapon of war against women. Such reports are further corroborated by the fact that the HIV infection rate among women surviving these rapes is high, with two-thirds of a recent sample of Rwandan genocide widows testing HIV positive. Human Rights Watch also estimated that over 5,000 children were born to raped and infected Rwandan women. Little data is available, however, reflecting the

number of these children with HIV/AIDS.³⁰ In **Sierra Leone** it is estimated that 70 to 90 percent of rape survivors have contracted STIs, including HIV/AIDS. Abducted girls were also particularly at risk, due to the many episodes of sexual violence they faced.³¹

DISARMAMENT, DEMOBILISATION AND REINTEGRATION (DDR)

As peace processes are negotiated and agreements made, DDR processes become very important (see related chapters). However, there is often a failure to consider women's forced or voluntary participation in conflicts as combatants, camp followers, sex slaves, spies, cooks, porters and wives. As a result, DDR programmes are rarely designed in a gender-sensitive manner that takes into consideration women's physical, vocational, psychosocial and reproductive health care needs.

During the demobilisation period, women are vulnerable to abandonment by their combatant partners. Women and girls, particularly those with children born of rape or other relations with armed actors, often find it difficult to reintegrate into their communities. Few programmes combine training or education with childcare provisions to enable their participation. If women or their children suffer from HIV/AIDS, the stigma and discrimination against them can be severe.³² In **Mozambique** in the early 1990s, little attention was given to HIV/AIDS or any form of STIs among dependents of armed actors.³³ While awareness and concern has risen over the last decade, the challenges are still immense, as demobilisation itself can trigger the spread of the disease into previously uninfected communities as ex-combatants return to their families, or to new relationships.³⁴ For example before 2003 in **Angola**, demobilised soldiers and returning refugees were said to be carriers of the virus, resulting in an increase in infections across the country.³⁵

PEACEKEEPING PERSONNEL, WOMEN AND VULNERABILITY TO HIV/AIDS

The presence of peacekeepers can help maintain the peace in societies emerging from violent conflict (see chapter on peacekeeping). The international community is becoming increasingly dependent on peacekeepers drawn from military and police forces of both developed and developing countries to staff such operations. Most of these soldiers are of a sexually active age, are geographically mobile and

are away from home for long periods. To relieve the stress of combat, they often engage in risky and sometimes violent behaviour as they have greater opportunities for casual sexual relations. Such behaviour increases the risk of HIV infection for them and their sexual partners.

Some of the armed forces from which these troops are drawn exhibit high levels of HIV infection. The risks of sexual transmission to local populations as well as among peacekeepers must therefore be considered. For example, the National AIDS Co-ordinating Agency of **Botswana** estimates that HIV infection in the armed forces is between 35 and 40 percent. Similarly recent studies have found that in **Tanzania**, **Uganda**, **Zambia** and **Zimbabwe**, 75 percent of soldiers were dying of AIDS within one year of discharge.³⁶ In response to the problem of troops being both victims and transmitters of the virus, the **United Nations Security Council (UNSC)** has adopted Resolution 1308, which calls for national strategies to address the spread of AIDS among uniformed services, including through awareness-raising and training among their ranks.³⁷

The UN itself is involving peacekeepers in activities to raise awareness and slow the spread of HIV. In **Sierra Leone**, 15,000 peacekeepers are being trained in HIV/AIDS prevention, gender awareness and women's rights. The UN peacekeeping mission in **Eritrea** and **Ethiopia (UNMEE)** has taken the lead in providing training on HIV/AIDS.³⁸ Other such training initiatives are taking place in **Botswana** and other affected countries. The United Nations Population Fund (UNFPA) is also partnering with other UN agencies, national health ministries, and military and police forces to provide HIV prevention training.³⁹

Trafficking and Prostitution: Trafficking in persons, particularly women and children, is among the most serious crimes of international concern in the Rome Statute of the International Criminal Court (ICC).⁴⁰ Women who are trafficked for sexual exploitation are vulnerable and at risk of HIV. Trafficked women are often unable to access health services or information because they may be unable to communicate due to language difficulties, are unfamiliar with the local environment, are being held

captive or are afraid of their captors. Additionally, fear of deportation or continued threats of violence towards them may ensure that they remain silent.

In conflict-affected situations, including **Mozambique**, **Cambodia**, **Sierra Leone**, the **Democratic Republic of the Congo (DRC)**, **Bosnia** and **Kosovo**, peacekeepers and others with responsibility for providing protection and security to local populations have been implicated in trafficking and prostitution. Since the deployment of an international peacekeeping force to Kosovo in 1995, the International Organization for Migration (IOM) has identified Kosovo as a major destination, changing its status from a route, for women trafficked into forced prostitution.⁴¹ Additionally, in 1999, peacekeeping troops and personnel of private security firms based in Kosovo were reported to be clients of brothels that practiced forced prostitution.

REFUGEES, INTERNALLY DISPLACED PERSONS (IDPs), FORCED MOBILITY, AND THE SPREAD OF HIV/AIDS⁴²

Refugee and displaced populations (see chapter on refugees and IDPs) are particularly at risk, as the camps in which they are housed may be the settings where women and children are most vulnerable to exploitation, violence and abuse.⁴³

Poverty, economic disparity and the effects of conflict often lead to migration, forcing both men and women as well as girls and boys into commercial sex work and survival prostitution. Forced population movements such as refugees or IDPs as a result of armed conflict affect the spread of HIV/AIDS. Changed personal circumstances of forced migrants—including separation from family and sexual partners, the stresses and vulnerabilities associated with the displacement process, broken community relations, and loss of social support networks—may lead to personal risks such as multiple partners and engagement in sexual activity with local providers of sexual services.⁴⁴

Refugee women's marginalised status or cultural and linguistic barriers may prevent them from accessing health and social services, and may increase their vulnerability to HIV. In **Angola**, for example, after nearly three decades of war, refugees are returning, but they are bringing HIV/AIDS home with them.⁴⁵ In most

cases, **Angolan** refugees were based in neighbouring countries such as **South Africa, Namibia and Zambia**, countries that are devastated by the disease. In the **DRC**, massive displacement and systematic rape during the last violence in 1998–99 have had a severe impact on HIV/AIDS infection rates in the country, and it is estimated that the disease has increased dramatically.⁴⁶ A high incidence of rape was also reported among **Somali** refugees in Kenya in 1993.

Often refugee communities can become centres of sex work. Sexual harassment and exploitation of mobile populations by soldiers and other armed groups is commonplace, and refugees and other forced migrants have little or no recourse to legal or social protection. UNAIDS, the Joint United Nations programme on HIV/AIDS concludes that war or violent conflict and forced migration promote increased sexual intimidation of women and states that “as physical, financial and social security erode in the refugee setting, women are often forced into high-risk sexual behaviour, by trading or selling unprotected sex for goods, services and cash, in order to continue their travel.”⁴⁷ Furthermore, when refugees and IDPs return to their place of origin, women may find that the self-reliance and skills they acquired during displacement are viewed negatively. Younger women in particular may experience strong social pressures to conform to their pre-conflict roles, including early marriage and childbearing—often with men who continue to have multiple partners—thus putting them at risk of contracting HIV/AIDS.⁴⁸

ARMED NON-STATE ACTORS AND THEIR IMPACT ON WOMEN’S VULNERABILITY TO HIV/AIDS

Armed groups such as paramilitaries and guerrillas may target women and girls during violent conflict. Research by Human Rights Watch into sexual violence against women in the **Eastern DRC** has highlighted that rape and sexual crimes are not just committed by armed factions but also increasingly by police and others in positions of authority and power.⁴⁹ These include opportunistic criminals and bandits, who take advantage of impunity and the culture of violence against women and girls forced to ally themselves with such groups, offering sex in exchange for protection or for economic

remuneration.⁵⁰ In such situations, vulnerability to HIV may increase. Additionally, many rape survivors infected with the HIV virus have no recourse to justice and are unable to demand reparations and accountability from those who commit sexual crimes against them.

ADDRESSING AND COMBATING HIV/AIDS: TREATMENT, CARE AND SUPPORT

HIV/AIDS often spreads where there is a lack of security resulting from violence and conflict. An effective response demands an integrated multi-sectoral strategy focused on education, information and communication, training, care and protection. HIV/AIDS prevention requires a strategic focus on empowerment and redressing gender imbalances, reducing vulnerability of individuals, providing treatment and care including voluntary counselling in pre- and post-testing phases, monitoring and evaluating trends and progress, and building knowledge through education and information.

Partnerships and alliances of different types need to be developed as HIV/AIDS affects many different sectors. A key measure is to ensure that women have access to affordable reproductive health care including free condoms.⁵¹

The research and development of vaccines is also critical. For the last 15 years, international organisations, the pharmaceutical industry and others have been involved in such work. In addition there is ongoing research into the development of **microbicides**—substances applied in the form of creams or gels that could reduce the transmission of STIs, including HIV.⁵²

Voluntary counselling and testing (VCT) and access to affordable and long-term treatment can be effective in preventing HIV transmission. It can also be an important entry point for treatment of related illnesses such as TB. The **World Health Organization (WHO)** recommends that VCT be introduced to serve people’s overall sexual and reproductive health needs. In fact, results from two pilot projects in **Côte d’Ivoire** and **India** indicate that integrating VCT into sexual and reproductive health services can reduce the stigma associated with HIV/AIDS, strengthen healthy sexual behaviour and increase access to and use of services.⁵³

3. WHO DESIGNS POLICIES AND PROGRAMMES TO ADDRESS AND COMBAT HIV/AIDS?

There are currently many organisations, governmental bodies and others involved in this field. The list below provides an overview of key entities, including UN agencies, regional institutions, international non-governmental organisations (NGOs) and bilateral development cooperation agencies.

THE UN FAMILY

UNAIDS is a joint response to HIV/AIDS. Established in 1994 by a resolution of the UN Economic and Social Council (ECOSOC) and launched in January 1996, UNAIDS is the main advocate for global action on the epidemic, leading responses aimed at preventing transmission of HIV, improving care and support, reducing vulnerability of individuals and communities to HIV/AIDS, and alleviating the impact of the epidemic. UNAIDS guides global responses to AIDS through leadership and advocacy for effective action; provides strategic information to guide efforts against AIDS worldwide; tracks, monitors and evaluates the epidemic and responses to it; and promotes civil society engagement, partnership development, and mobilisation of resources.

The nine UNAIDS co-sponsors each have their own programmes and priority focus. They are United Nations Children's Fund,⁵⁴ World Food Programme,⁵⁵ United Nations Population Fund,⁵⁶ United Nations Office of Drug Control,⁵⁷ International Labour Organization,⁵⁸ United Nations Economic, Social and Cultural Organisation,⁵⁹ World Health Organization,⁶⁰ the World Bank,⁶¹ and United Nations Development Programme.⁶² In addition, United Nations Fund for Women (UNIFEM) has set up a web portal with information on a range of conflict-related issues, including HIV/AIDS.⁶³

GOVERNMENTS AND DEVELOPMENT COOPERATION AGENCIES

The United States (US) government has several initiatives including ones led by the Global AIDS Co-ordinator and the Director of the Office of National AIDS Policy. It has provided an annual AIDS budget of US \$2.4 billion that will be spent globally, primarily by the US Agency for International

Development (USAID). Among the United Kingdom (UK) government initiatives to combat and address HIV/AIDS globally is the programme by the Department for International Development (DfID).⁶⁴ Canada also provides funding for HIV/AIDS globally; information can be accessed from the website of the Canadian International Development Agency (CIDA).⁶⁵ Information on Swedish support can be accessed from the website of the Swedish International Development Cooperation Agency (SIDA).⁶⁶ Information on the European Union (EU) initiatives can be accessed from their website.⁶⁷

4. WHAT POLICIES EXIST TO ADDRESS HIV/AIDS?

The majority of key human rights or health-related declarations to emerge from the international community in the past two decades highlight the spread of HIV/AIDS and the need for integrated and concerted preventive measures. Those particularly related to women are noted below and can be used to strengthen advocacy strategies and hold governments accountable.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). While there is no mention of HIV/AIDS, as the disease was discovered after CEDAW was drafted, Article 12 addresses the area of health. CEDAW remains the most widely recognised convention on women's rights internationally. In 1990, the CEDAW Committee issued **General Recommendation on the Avoidance of Discrimination Against Women in National Strategies for the Prevention of AIDS**, which recommends that states that are parties to CEDAW make information more widely available to increase public awareness of the risks and effects of HIV infection and AIDS, especially to women and children.

The International Conference on Population and Development (ICPD). Section C, 7:30–33 of the Programme of Action (PoA) deals with sexually transmitted infections including HIV/AIDS. Section D calls on governments to mobilise all segments of society to control the AIDS epidemic. At the review session of the ICPD in 1999 (ICPD+5), the UN General Assembly (UNGA) agreed a new set of targets, including that by 2005 at least 90 percent of young women and men aged 15–24 should have

access to preventive methods to reduce vulnerability to HIV/AIDS infection, e.g. male and female condoms, voluntary testing, counselling and follow-up.

Fourth World Conference on Women: Beijing Platform for Action (BPFA): Strategic Objective C.3 under Health recommends that governments involve HIV positive and HIV affected women living with HIV/AIDS (WLWHA) in decision-making on development, implementation, monitoring and evaluation of policies and programmes on HIV/AIDS and other STIs. Governments should also review and amend laws and combat practices that may contribute to women's susceptibility to HIV infection and other STIs. At the Beijing +5 Review, the UNGA organised a special session entitled *Women 2000: Gender Equality, Development and Peace for the 21st century*. At this meeting, governments adopted *Further Actions and Initiatives to implement the Beijing Declaration and PFA*, including agreement to adopt measures to promote respect and privacy for, and non-discrimination against, those living with HIV/AIDS and STIs.

United Nations General Assembly Special Session on HIV/AIDS (UNGASS): In 2001, member states unanimously agreed to a *Declaration of Commitment on HIV/AIDS* to reduce infection rates by 25 percent by 2005, to end discrimination by challenging "gender stereotypes and attitudes" and to provide AIDS education to 90 percent of young people by 2005. Specific timelines and targets include the development and implementation of multi-sectoral national strategies and finance plans for combating AIDS by 2003. These should involve partnerships with civil society and the business sector and should include the full participation of PLWHA, including those in vulnerable groups and people most at risk, i.e. women and young people.

Other notable policies include the **Millennium Development Goals (MDGs)** in the *Millennium Declaration* agreed on at the Millennium Summit in 2000. Goal 6 deals with combating HIV/AIDS, malaria, and other communicable diseases and seeks to halt and reverse the spread of HIV/AIDS by 2015. **UN Security Council Resolution 1308, 1308 S/Res/1308 (2000)**, calls for national strategies addressing the spread of AIDS among uniformed services to be in place by 2003 and employment of

uniformed personnel to conduct AIDS awareness and prevention training among their ranks. In response, an HIV/AIDS Awareness Card was produced for peacekeepers containing facts about HIV/AIDS, a Code of Conduct for Uniformed Services, prevention instructions and a sleeve to carry a condom.

Additionally, **Security Council Resolution 1325 (October 2000) on Women, Peace, and Security** requests the UN Secretary General to provide member states with training guidelines and materials on the protection, rights and particular needs of women. It also invites member states to incorporate these elements, as well as HIV/AIDS awareness training, into their national training programmes for military and civilian police personnel in preparation for participation in peace support operations. It also recommends special measures to protect women and girls from all forms of violence in situations of armed conflict, particularly rape, other forms of sexual abuse and gender-based violence.

At the regional level, notable policies developed include the *Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases: Africa Summit on HIV/AIDS (2001)* and the *Communication from the Commission to the Council and the European Parliament. Programme for Action: Accelerated Action on HIV/AIDS, Malaria and Tuberculosis in the context of poverty reduction*.⁶⁸

There are also a number of other initiatives, including **UNHCR 2002-2004 Strategic Plan on HIV/AIDS and Refugees**, which is based on a human rights framework and the US-led **ABC** approach: **Abstain, Be faithful, and use Condoms**. For this approach to be effective in reducing HIV/AIDS, it needs to be supported by addressing issues of gender inequality, women's empowerment, and improved and increased access to affordable reproductive health, rights and services.⁶⁹

The **World Health Organization's (WHO) 3x5 Initiative** is a joint WHO UNAIDS effort to provide anti-retroviral therapy to 3 million people with HIV/AIDS in developing countries by the end of 2005. It is based on the core principles of "urgency, equity, and sustainability."⁷⁰ Additionally, **People Living with HIV/AIDS** launched the **Greater Involvement of PLWHA Initiative (GIPA)** in 1983 to

protest their exclusion from the planning process. Since then the acronym GIPA has been agreed on and a set of five principles developed to support PLWHA. The GIPA principles are endorsed by the UN Declaration of Commitment (2001).⁷¹

5. WHAT HAS BEEN DONE AT THE LOCAL, NATIONAL, REGIONAL AND INTERNATIONAL LEVELS TO ADDRESS HIV/AIDS?

Some initiatives that address women's concerns regarding HIV/AIDS in both post conflict and peace are listed below.

GLOBAL

The **International AIDS Candlelight Memorial** is a global movement, involving over 1 million people in more than 3,000 communities, who each May celebrate those living with AIDS and those who have died as a result of the disease. Increasingly, the community organisers and principal subjects of the Candlelight Memorial are young women."⁷²

UNAIDS Global Coalition on Women and HIV/AIDS was created by UN AIDS in February 2004. It is a movement of people, networks and organisations launched in London. It has four key goals: to raise the visibility of issues related to women, girls and AIDS; to catalyse action to address those issues; to facilitate collaboration at all levels; and to scale up action that will lead to concrete, measurable improvements in the lives of women and girls. The Coalition seeks to build global and national advocacy to highlight the effects of HIV and AIDS on women and girls and stimulate concrete, effective action.

Stepping Stones is an international initiative first developed in 1995 in **Uganda**. Since then it has been used by over 2000 organisations in 104 countries worldwide. The initiative targets young men and women to redefine gender norms and encourage healthy sexuality. Local groups have translated and adapted it for their own use in many different countries, including **Sri Lanka** (Sinhala), **Cambodia** (Khmer), **Russia**, **South Africa**, **Tanzania** (Ki-Swahili), **Argentina** (Spanish), and **Mozambique** (Portuguese). Stepping Stones is based on three principles: that the best solutions are those developed by people

themselves, that men and women each need private time and space with their peers to explore their own needs and concerns about relationships and sexual health, and that behaviour change is much more likely to be effective and sustained if the whole community is involved. Stepping Stones works through individual groups of women or men of similar ages: older women, older men, younger women, and younger men.⁷³

The **International Community of Women Living with HIV/AIDS (ICW)** is the only international network, representing 19 million women living with HIV/AIDS (WLWHA) in the world. The ICW was formed in 1992 by 52 WLWHA. Thirteen of the founding members are still alive. The network focuses on research, advocacy, capacity building and networking. Members include mothers, professionals, academicians, researchers, sex workers, injecting drug users, religious leaders, wives, partners, sisters, daughters, poor and rich women. ICW has 4000 members in over 90 countries.⁷⁴

In April 2004, the United States and 15 other wealthy nations signed up to an international agreement to streamline HIV/AIDS programmes in developing countries so that funds can be more efficiently used. Donor nations and developing countries have developed three principles called the **Three Ones** to help streamline the international community's response to AIDS. These principles are: 1. One HIV/AIDS Action Framework to coordinate all involved parties, 2. One National AIDS Authority with a mandate that cuts across all sections of society, and 3. One Country-Level System that monitors and evaluates programmes. The US, Britain, Australia, Belgium, Canada, Denmark, Finland, France, Germany, Japan, Luxembourg, the Netherlands, Norway, and Sweden have all signed this agreement.⁷⁵

Increasingly there is a widespread effort to clarify incorrect beliefs about HIV/AIDS. One powerful way of doing this is by showing PLWHA as they really are—human beings from every walk of life who are learning to live with their diagnosis as well as their hopes and dreams. For example, **Photo-Voice**, a London-based NGO, worked with women in the **DRC** living with HIV/AIDS, teaching them how to take photographs of each other as a form of healing, a source of sustainable income and a coping mechanism for positive self-representation. These photographs were exhibited in London. Participants in this initiative are using their

skill to earn an income by taking photographs and recording the lives and memories of PLWHA.

There are countless national-level initiatives launched by governments and NGOs, often in partnership. For example, in **Guatemala** **APAES-Solidaridad**, an NGO founded in 1990, has trained several thousand teachers to provide information on HIV/AIDS to students. Solidaridad has also held seminars for both men and women in Guatemala's prisons and provides nutritional and medicinal programmes for patients and their families.⁷⁶ In **Cambodia**, the **Reproductive Health Association (RHAC)** runs voluntary counselling and testing programmes, raising awareness of the consequences of risky behaviour and contributing to the reduction of infection rates.⁷⁷

In **Northern Tanzania**, after an influx of refugees and the accompanying health and social problems, a one-stop medical project was launched by the African Medical Research Foundation (AMREF), local civil society and government organisations.

The project targeted primarily women but actively sought the involvement of male partners where possible. AMREF and its partners provided a variety of integrated services, including HIV testing, counselling, family planning, life education skills, and training culturally acceptable counsellors for the community outreach support of women and families that suffered from violence and abuse.⁷⁸

In Freetown, **Sierra Leone**, the **Women in Crises** project has two drop-in centres where women and girls can learn how to protect themselves against HIV/AIDS.⁷⁹ In **Rwanda**, the Polyclinic of Hope established in 1995 addresses the medical, psychological and economic needs of women victims of rape and related crimes. The Centre provides HIV awareness programmes, testing, special care and support to victims of HIV.⁸⁰ Commercial sex workers who were the victims of the **Ethiopia-Eritrea** war benefited from an integrated programme of counselling, care and income generation.⁸¹ And, as noted in the table below, there are also a number of private sector initiatives across Africa.

Private Sector Actor	Initiative
Eskom —a South African utility company	Implements a programme to upgrade the skills of medical practitioners in rural areas. Complements ESKOM's own in-house response to prevention, care and support activities.
Coca-Cola	Provides voluntary counselling, HIV testing and anti-retroviral therapy to all eligible employees.
Private Investors for Africa —a group of multinational companies, including Barclays , Diageo , UNILEVER , and others	Has created a Working Group on HIV/AIDS to better understand how joint action and shared experiences of the private sector and broader community can improve efficiency in addressing AIDS.
The Global Business Coalition on HIV/AIDS —an organisation of large multinational companies	Members of the Coalition must adopt a set of company principles and practices for dealing with HIV/AIDS including non-discrimination, prevention and awareness, VCT and care, support and treatment.
Merck and Company , the Bill and Melinda Gates Foundation , and the Government of Botswana	Have developed the African Comprehensive HIV/AIDS Partnership to scale up the country's national programme to provide ARV treatment. ⁸²

6. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

1. Women can lobby and advocate for the implementation of local, national, regional and global policies developed and adopted to address HIV/AIDS.
 - Develop alliances with men's groups in order to form a more powerful advocacy platform, e.g. examine the UN Declaration of Commitment (2001), identify which articles most respond to the needs of your community, and advocate for them, targeting local and national authorities.
 - Organise a policy dialogue between women's organisations and policy-makers in your country.
 - Set up a village or community AIDS Council that could have the following functions:
 - organising AIDS prevention efforts;
 - increasing access to health services; and
 - creating projects to re-educate the community in order to lessen stigma and discrimination.
2. Conduct assessment analyses to identify the sectors of the community most at risk and plan appropriate interventions. For example, if there are sex workers in the area, training and awareness-raising programs could be targeted at them.
3. Identify and include local men into the network of activists—and encourage men to initiate awareness-raising or training programmes among men in the community.
4. Link up with PLWHA groups to provide counselling services tailored to men, women, youth, children and older people. Develop an alliance and perhaps engage in a campaign for the inclusion of these groups in decision-making to address or combat HIV/AIDS.
 - Launch initiatives to unite orphans with other family members and relatives.
5. Reach out and work with refugee and IDP communities. Draw on Article 75 of the **Declaration of Commitment** (that focuses on emergency situations) to inform groups of their rights.
 - Make contact with your local, national or regional UNHCR office and other relevant policy-makers to generate support.
 - Provide basic services to AIDS victims. In **Uganda**, for example, PLWHA groups provide services to infected refugees and IDPs.
6. Focus on national policies and monitor the government's implementation of its international commitments and the time frames and targets they have set themselves.
 - Build the capacities and knowledge of members of your organisation to monitor commitments, lobby the government and launch public awareness-raising campaigns.
7. Develop an alliance with targeted businesses to secure funding for multi-sectoral initiatives on community information, education and communication.
8. Where peacekeeping operations are present, work with the Gender Units and HIV/AIDS Officers to educate, inform and raise awareness of HIV/AIDS issues among the peacekeeping personnel (both military and civilians) of these missions.
 - Reach out also to humanitarian workers and offer training workshops on addressing HIV/AIDS in a culturally appropriate manner.
9. Traditional healers, religious and even military leaders, and other such actors can play a role in changing perceptions, correcting false beliefs and addressing stigma and discrimination. Develop a project to build the capacity of such actors to become peer educators and champions to address and combat HIV/AIDS in your community.
10. Training is also an important issue. UNFPA is training health care providers and their families in the knowledge and skills needed to prevent the disease. You can engage in training local men and boys as well as security forces and the police in your country. Launch a programme to train and

educate demobilised soldiers—either on their own or if possible with their families—and include both men and women. Try to link up with local UNFPA offices and other agencies that fund and support such projects. Wherever possible, involve men as partners for change.

11. Counselling services: Integrate the prevention of HIV/AIDS infection with reproductive health, including family planning services.

- Set up counselling services that are tailored to women and also to husband-and-wife teams to educate both women and men on HIV/AIDS.
- Create polyclinics where counselling services and medical help are combined with economic support programmes to assist victims of rape and the HIV infected.

12. Condom provision: Launch a campaign to educate local women and adolescents as well as sex workers about the benefits of using female condoms if male condoms usage is low.

- Launch promotional campaigns for condom distribution at parties, group discussions, local plays, etc.
- Contact UNAIDS or any one of the individual UN partners for help in how to engage effectively.
- Make condoms available to refugees and IDPs in food and non-food distribution centres.

13. Target and support refugee communities, providing basic health care as well as education, information and counselling about HIV/AIDS, free condoms, confidential testing and, if possible, medication.

14. Target commercial sex workers, combining income-generating projects with integrated counselling and information on HIV/AIDS prevention.

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ACRONYMS

ABC	Abstain, Be faithful, and Use Condoms
AIDS	Acquired Immune Deficiency Syndrome
ARVs	Anti-Retroviral Drugs
BPFA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CIDA	Canadian International Development Agency
DDR	Disarmament, Demobilisation and Reintegration
DFID	UK Department for International Development
DRC	Democratic Republic of the Congo
ECOSOC	Economic and Social Council
FGM	Female Genital Mutilation
GIPA	Greater Involvement of People Living With AIDS
HIV	Human Immunodeficiency Virus
HIV+	HIV-Positive Person
ICC	International Criminal Court
ICG	International Crisis Group
ICPD	International Conference on Population and Development
ICW	International Community of Women Living with HIV/AIDS
IDP	Internally Displaced Person
ILO	International Labour Organization
IOM	International Organization for Migration
IPAA	International Partnership on AIDS in Africa
MDGs	Millennium Development Goals
MSM	Men Who Have Sex With Men
MTCT	Mother-to-Child Transmission
NGO	Non-Governmental Organisation
OIs	Opportunistic Infections
PFA	Beijing Platform for Action
PLWHA	People Living with HIV/AIDS
POA	Programme of Action
PTCT	Parent-to-Child Transmission
RHAC	Reproductive Health Association, Cambodia
RHRC Consortium	Reproductive Health Response in Conflict Consortium
SIDA	Swedish International Development Cooperation Agency
STIs	Sexually Transmitted Infections
TB	Tuberculosis
UK	United Kingdom
UN	United Nations
UNAIDS	United Nations Joint Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Economic, Social and Cultural Organisation
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNGASS	United Nations General Assembly Special Session
UNHCR	United Nations High Commission on Human Rights
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Fund for Women
UNODC	United Nations Office of Drug Control
US	United States
UNSC	United Nations Security Council
USAID	United States Agency for International Development
VCT	Voluntary Counselling and Testing
WBG	World Bank Group
WFP	World Food Programme
WHO	World Health Organization
WLWHA	Women Living With HIV/AIDS

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Children's Security

CAMILLE PAMPELL CONAWAY AND KELLY FISH

International humanitarian law has long recognised two groups of civilians—women and children—who deserve particular protection during times of armed conflict. The impact of war on children has been the subject of increasing attention by the United Nations (UN) and other international bodies, and most recently, a new focus has been placed on the specific needs and concerns of girls. It has also been increasingly recognised that children play a variety of roles in conflict—not only as victims, for example, but also as armed actors. An overall framework for addressing the needs and concerns of children and youth in times of armed conflict and post conflict reconstruction has not been comprehensively developed, although significant progress has been made in defining the many issues involved.

This chapter outlines these issues, addresses gender considerations for children in times of war and post conflict reconstruction, and describes the vital role that women play in their survival, protection and rehabilitation. The definition of a “child” or “youth” is itself an unresolved issue in many situations; for example, in parts of Africa a mother (no matter how young) is not considered to be a child regardless of her own age. For the purposes of this chapter, however, a child is defined as anyone under the age of 18; youth or adolescents refer to older children, generally above the age of 15.¹

1. WHAT HAPPENS TO CHILDREN DURING WAR AND POST CONFLICT RECONSTRUCTION?

CHILDREN'S SECURITY DURING WAR

“War violates every right of a child—the right to life, the right to be with family and community, the right to health, the right to the development of personality, and the right to be nurtured and protected.”² For children who survive, war completely disrupts their structures of social support by undermining networks and connections between families and communities. In many cases, they are left abandoned or orphaned and face the difficulty of finding their own means of survival. In extreme cases, children experience profound trauma as a result of the violence surrounding them. A **UN Children's Fund (UNICEF)** survey in **Rwanda** following the genocide found that 80 percent of the children surveyed had lost family members and more than 33 percent witnessed their murder.³

Individuals, families and entire communities may be forced to flee their homes due to conflict or violence,

becoming **refugees** (crossing international borders) or **internally displaced persons (IDPs)**. According to the **UN High Commissioner for Refugees (UNHCR)**, children comprise 39 percent of refugees, and estimates place children at over half the total number of displaced people worldwide.⁴ Displaced populations face physical risks such as landmines, attacks by various fighting forces and limited food and other resources, leaving children especially prone to malnourishment and illness. Children are also at risk of being separated from their parents, family members and other caregivers during their flight, leaving them vulnerable to exploitation and abuse, sexual slavery and forced recruitment into the fighting forces. While refugees are given some protection and assistance, IDPs are often stranded within or near zones of conflict and do not receive even the basic protection given to refugees (see chapter on refugees and IDPs).

Children in communities are often coerced or forced to commit violent acts to gain protection, food, shelter or other resources for themselves or their family. Drug smuggling, grave digging and carrying

messages or equipment are activities forced upon children. In addition, war affects girls in different ways than boys. “The impact on girls is different because of their lower status before conflict begins; often powerless before and during conflict, girls are prone to be subjected to humiliation and abuse.”⁵ Prostitution often increases during times of conflict, and the presence of a peacekeeping force may actually lead to the recruitment of prostitutes (see chapter on peace support operations). It has been documented that UN peacekeepers recruited young girls into prostitution during the UN Operation in **Mozambique**.⁶ Sexual exploitation is devastating for children, leading to serious health issues including pregnancy and psychological trauma. Communities and families often ostracise the children of peacekeepers, also known as “UN children.”

Abductions of both boys and girls are a common occurrence during armed conflict and most often are part of a strategy to recruit child soldiers. Some are taken from their homes during raids; others may be pulled from their classroom or other public areas. In **Myanmar (Burma)**, for example, groups of children from 15 to 17 years old have been forcibly conscripted from the classroom.⁷ Some are forced to abuse or kill members of their own family in the course of their abduction—both to provide them with no alternative to their participation in the armed group and to initiate them into violent acts.

Children are often targeted for conscription as combatants because they are seen as easily manipulated; in some cases, children have been drugged to ease them into fighting. Although children are forcibly recruited or abducted in most cases, some children may choose to become soldiers due to dire circumstances and few alternatives: “They may join for economic reasons, because their families are too poor to provide them with food and education. Children surrounded by war and chaos may come to associate armed groups with power and protection. Or they may be motivated in response to injustices suffered by their families and communities... If they are unable to attend school and have no opportunities for vocational training, soldiering may seem to be the only option.”⁸ In some cases, family members may encourage their participation.

Whether through forced recruitment or by choice, girls and boys perpetrate violence while serving as

child soldiers in the rebel groups and as part of government forces. Though it is prohibited by international law for children under 18 to participate in armed hostilities,⁹ it is estimated that 300,000 children are soldiers worldwide, with recruitment, for the most part, beginning at age 10.¹⁰ In **Liberia**, for example, UNICEF estimates that 50–60 percent of fighters in the recent conflict were under the age of 18.¹¹ Children are often treated as adults once recruited or abducted; they participate in brutal induction ceremonies soon after recruitment. They have been perpetrators of some of the worst human rights abuses, including rape, looting and murder. In addition to participating in combat operations, child soldiers may serve as guards, lookouts, messengers, spies, porters, cooks and food gatherers. If they fail in their duties or are taken prisoner, severe abuse or death may result.

Once in the fighting forces, girl soldiers are disproportionately oppressed. They are often subjected to sexual violence or forced to become “wives.” In **Northern Uganda**, the Lord’s Resistance Army (LRA) has abducted thousands of girls. Many are “repeatedly raped, and many bear children in the harsh conditions of the bush or in LRA encampments with barely enough food to survive or no health care.”¹² Girls also work more hours than boys, have lower literacy rates and suffer from death and disease due to lack of reproductive healthcare. At the same time, girls take on leadership roles in some armed groups, commanding all-girl units, and are placed in charge of loot or of defending the camp while male combatants are on raids. Girls face particularly harsh circumstances upon their reintegration, disowned by their own families and excluded from official programmes for ex-combatants who do not recognise them as such. Many have young children of their own as a result of repeated sexual violence. Former girl soldiers are among the most vulnerable populations in the post conflict period.

CHILDREN’S SECURITY IN THE AFTERMATH OF WAR

Children’s security concerns do not end with the cessation of armed conflict and the signing of peace agreements.

Street Children: A major side effect of war that occurs in nearly every post conflict state is a surge in crime

and other forms of violence. Due to the availability of small arms, as well as poverty and instability, many children become “street children,” often carrying arms and forming gangs—in some cases, a welcome option for children destitute and living in the streets of urban areas. In Bujumbura, **Burundi**, it is estimated that there are 5,000 street children, often accused of committing violent crimes, including rape.¹³ Yet street children are often victims of post conflict violence as well. In fact, in **Ethiopia**, as child prostitution is on the rise (along with the rate of HIV infection), nearly half of young prostitutes said they had been raped before turning to the streets, with one third becoming pregnant as a result.¹⁴

Landmines: Another consequence of war is the existence of landmines and other unexploded ordnance, a particular hazard to children, who are a large percentage of landmine victims (see chapter on small arms, light weapons, and landmines). “Children in at least 68 countries live amid the contamination of more than 110 million landmines. Added to this number are millions of items of unexploded ordnance, bombs, shells, and grenades that failed to detonate on impact.”¹⁵ There are more landmines on the African continent than elsewhere, although **Cambodia** and **Afghanistan** have very high numbers as well. In **Angola**, there are an estimated 10 million landmines and 70,000 amputees, including 8,000 children.¹⁶

Trafficking and Labour Exploitation: Children are at an increased risk of trafficking and labour exploitation during and following conflict. It is estimated that 800,000 people are trafficked internationally each year and millions more within their country’s borders.¹⁷ Of all trafficking victims, the United States (US) Department of State reports that 80 percent are female and 50 percent are children.¹⁸ Victims of trafficking may be sold into slavery or forced to work as prostitutes, child soldiers, domestic servants or labourers in sweatshops or quarries.

Violence in the Home: Following a conflict, children are also threatened within their homes, as there is usually a rise in domestic violence. Child abuse—physical and psychological—was listed as a top-five concern of children surveyed in **Northern Uganda**.¹⁹ Children of raped women—often of mixed race or

ethnicity—are at particular risk of abuse by their own families and communities, which in some cases refuse to allow their daughter or sister to remain in their home, forcing her to fend for herself and her children. In other cases, mothers abuse or abandon their own children, who remind them of their attackers. In **Rwanda**, some mothers even named their children “little killers.”²⁰

Health: The overall breakdown in established social values, limited access to reproductive health services, increased population movements and incidences of rape facilitate the spread of sexually transmitted diseases, including HIV/AIDS during war (see chapter on HIV/AIDS.) An estimated 11.8 million young people (15–24) are living with HIV/AIDS, and 14 million children have been orphaned as a result of the disease.²¹ Young women and girls are at greater risk of infection for a variety of reasons including:

- biological factors that physically put women at greater risk of contracting the disease;
- economic needs that compel women to engage in sexual activity for money or other resources; and
- cultural and social norms that encourage older men to engage in sexual activity with young girls and that allow even married men to remain sexually active with multiple partners. Women are often discouraged from taking preventative steps.

HIV/AIDS in particular has a devastating impact on children: “Because HIV/AIDS so often impoverishes and stigmatises the children it affects, and claims the lives of so many of their extended family, these children are at high risk of having to eke out livelihoods on the street or in other potentially dangerous situations.”²² Parents or caretakers who die of AIDS may leave children with no one to look after them, forcing them to assume the responsibilities of the head of household and reducing prospects for education or vocational training. In **sub-Saharan Africa** alone, 12 million children have lost one or both parents to AIDS.²³ In **Cambodia**, one in three children in AIDS-affected families had to provide care and take on major household work; most left school and went without basic necessities including food and clothing.²⁴ This has a tremendous impact on the political, economic and social future of these countries.

Armed conflict severely impairs the psychosocial health of children as well. In **Iran**, more than a decade after the end of the Iran-Iraq War, adults who were children during the war continue to suffer from stress and trauma. In addition, the loss of family members, breakdown of their support networks, the witnessing of severe forms of violence and involvement in abuses can have long-term effects on children and youth. These issues must be addressed in the post conflict period through, for example, the provision of psychosocial counselling, education and sports and arts programs that help rehabilitate and normalise life for children.

CHILDREN'S ROLES IN POST CONFLICT RECONSTRUCTION

Although children suffer tremendous abuse as a result of war, they are also often more resilient than adults in the aftermath. Many adapt to the post conflict environment and are motivated to pursue education and employment opportunities.

Disarmament, Demobilisation and Reintegration

(DDR): The existence of children in fighting forces was, until recently, unacknowledged internationally. Children have been historically left out of DDR programmes designed to disarm, demobilise and reintegrate combatants (see chapter on DDR). Governments, in particular, continue to deny that child soldiers are among their ranks. UNICEF, Save the Children and other organisations have begun programmes to address the needs of child ex-combatants, and it is increasingly recognised that DDR programmes should aim to improve the conditions and treatment of all children in a community—not only the child soldier.

The recognition of girls as child soldiers (usually as part of fighting forces, not government groups) has been an even more difficult issue to tackle. Despite the fact that humanitarian aid organisations work with female abductees, DDR programs implemented by governments and international organisations have rarely recognised women and girls as “combatants,” and thus they are ineligible to receive the benefits of a reintegration programme. In **Sierra Leone**, of the 137,865 in the fighting forces (rebels and government), 48,216 were child soldiers (17 years of age and younger). Of those, 12,056 were girls. As of

2003, only 6,181 boy soldiers had participated in DDR, and only 506 girls had gone through the process.²⁵ Various international NGOs have begun rehabilitation programmes specifically for girl ex-combatants to fill this gap. Save the Children, for example, worked intensively with families in the **Democratic Republic of the Congo (DRC)** to sensitise them to the needs of returning girl soldiers.

Governance and Political Participation: Although children are rarely considered in discussions of governance and political participation, their involvement is imperative (see chapter on governance). The World Bank points out, “An important, but yet under-utilized voice in helping to address some of these concerns [such as corruption, poverty, and abuse of power] is the role of youth.... [They] can be resilient, resourceful, and responsive, and there is a need to encourage and establish mechanisms in countries to involve youth in playing a role in addressing corruption and consequently improving governance in their countries.”²⁶

The Oxfam-funded International Youth Parliament was formed in 2003 to bring together 300 youth each year from around the world to discuss issues ranging from conflict and HIV/AIDS to education.²⁷ Regional initiatives, including the African Youth Parliament and the European Youth Parliament, have also been developed in recent years.

On a national level, in **Rwanda**, following the genocide, the transitional government, recognising the severe effects of the civil war and genocide on youth, allocated special representation for youth in the local and national governing structures. There are two youth seats in the Rwandan Parliament and a Ministry of Youth, Culture and Sport, which focuses on children’s concerns.²⁸ In **Kenya**, youth are elected by children in Nairobi Province to fill an 11-member youth cabinet with a mandate to raise awareness and advocate for the protection of children’s rights throughout the country.²⁹ In 2003, the **Republic of the Congo** launched the National Children’s Parliament, composed of 36 members and an executive council of four girls and one boy. The new initiative will “serve as an official body entrusted with promoting children’s rights...and with finding solutions to problems that affect children.”³⁰

Transitional Justice and Reconciliation: Children's involvement in transitional justice and reconciliation in post conflict societies is imperative (see chapter on transitional justice and reconciliation). Mechanisms, whether in the form of truth commissions, special courts or grassroots initiatives, must take into consideration the needs and concerns of children and youth. Children, as victims and perpetrators, have important roles to play to ensure the sustainability of peace.

To date, no international court or tribunal has prosecuted anyone under the age of 18, and the **International Criminal Court (ICC)** prohibits itself from any prosecution of children. In national courts, however, children have been tried for atrocities committed during war. Some were mistreated while in custody, were imprisoned with adults or juvenile criminal offenders, or were given the death penalty. In **Colombia**, child soldiers from left-wing guerrilla groups have been incorporated into the armed forces or detained in military institutions. In 2001, in the **DRC**, civil society organisations advocated for setting aside the death penalty verdicts against six children and were successful, but for one who died in prison as a result of disease.³¹

At the national level, only one truth commission has addressed the special needs of children in its mandate, though most have included children in lists of victims and witnesses. In **Argentina**, the National Commission on Disappeared Persons was required to "determine the whereabouts of children removed from the care of their parents or guardians...and to intervene as appropriate in organisms and tribunals for the protection of minors."³² Its final report includes details of crimes against children and adolescents.

In local judicial processes, there are concerns that children do not have access to international judicial standards. In **Rwanda**, children over the age of 14 at the time of the genocide may be judged as part of the *gacaca*, a community-level, traditional justice mechanism. Yet, in this process, children will not have access to counsel and must represent themselves publicly before the community.

With regard to reconciliation efforts, special initiatives have been made to involve children in a variety of transitional justice mechanisms. In the **South African Truth and Reconciliation Commission**, special hearings and workshops were established for children to engage with the process. In many societies, traditional healing practices and rituals of reconciliation involve children. "Traditional cleansing and healing ceremonies for former child soldiers have been important means for some communities to recognize and assuage the guilt that child soldiers carry.... [They] are intended to provide a clean break from past atrocities."³³

Education and Training: In general, opportunities for education and vocational training for children and youth should be an essential component of reconstruction and development, particularly as war causes years of lost time in this area. According to the Women's Commission for Refugee Women and Children, educational programs "provide them [children] with structure, purpose, skills for the future, integration within the community, identity, hope, and more."³⁴ An estimated 27 million children and youth are without education in conflict zones.³⁵ Although boys and girls may equally access pre-primary and grade one, girls' enrollment drops at each successive level.³⁶ **UNICEF** has made girls' education a priority in its development planning, noting that, with education, women marry later, have fewer children, are more productive, are better paid in the workplace and have less chance of contracting HIV/AIDS.

Vocational training is particularly important for adolescents and older youth, many of whom entered the war as children but may now be adults. Training should be geared toward available jobs according to the needs of various communities. The European Union and UNHCR have funded a programme that offers apprenticeships to former **Afghan** refugee youth in 27 areas including mechanics, leatherwork, baking and electricity.³⁷ A programme for **Mozambican** refugees prioritised the most vulnerable groups, including women and youth, for training in farming, blacksmithing, pottery and bicycle repair, among other fields.

Peace Education³⁸

Peace education is a preventive and restorative tool for raising awareness about the causes and consequences of violence among children and adults. The goals of peace education include:

- developing attitudes of non-violence, justice, tolerance and respect for human rights;
- increasing knowledge of relevant subjects such as landmines and HIV/AIDS; and
- learning specific skills such as critical thinking, compromise and communication.

When taught in a classroom environment, activities might include story telling, self-expression, cross-cultural exchanges and active participation in discussions and groups.³⁹ Peace education can be taught using a variety of media and in many locations. UNHCR ran a programme in **Kenya**, for example, in refugee camps for adults and children. Search for Common Ground, a US-based NGO, broadcasts a children's television show in **Macedonia** that encourages conflict resolution and includes a wide range of youth.

2. WHO AND WHAT CAN PROMOTE CHILDREN'S SECURITY IN CONFLICT?

It is increasingly evident that the only way to ensure children's security is to take a holistic approach, involving a wide range of actors and resources and drawing from a solid base of international law and policies.

In 1994, Graça Machel was appointed by the UN Secretary General to submit a study on the impact of armed conflict on children.⁴⁰ Following the report's publication in 1996, the **Special Representative of the Secretary-General (SRSG) for Children and Armed Conflict** was appointed. The SRSG has played a significant role in mainstreaming child protection issues into the UN system, including child protection mandates in peacekeeping missions for **Sierra Leone** and the **DRC**. Together with UNICEF, he has also played a key role in maintaining the issue of children and conflict on the UN's priority list, highlighting developments in regular reports and offering recommendations for action.

The success of these initiatives is evident in a number of ways. For example, the 2003 peace agreement in **Liberia** specifically calls for "special attention to the use of child combatants.... It shall, accordingly, mobilize resources...to address their special demobilization and reintegration needs."⁴¹ Subsequently, the UN Secretary General assigned two child protection advisors and a gender advisor to work with his Special Representative

for Liberia. A detailed programme was developed for the estimated 21,000 child soldiers in the country with plans for separate camps for girls and special assistance that included psychosocial support and reproductive health (see chapter on reproductive health).⁴² Yet its implementation has been delayed, reflecting the many challenges to providing services to children in conflict.

CHILDREN IN THE CONTEXT OF INTERNATIONAL LAW

There are numerous international treaties that promote children's security. The following are among the most important:

1. **The Universal Declaration of Human Rights (UDHR)** and the **Geneva Conventions** are the foundation of international human rights law and international humanitarian law (see the appendix for the UDHR full text). The UDHR specifically calls on the need for special care and protection for women and children in Article 25 (2): "Motherhood and childhood are entitled to special care and assistance."⁴³ The Fourth Geneva Convention (1948) and the subsequent Protocols (1977) outline necessary protection of civilians during armed conflict, specifically addressing children as follows:⁴⁴

- Parties to a conflict must respect children, provide them with any care or aid they require and protect them from any form of indecent assault. (Protocol I, Art. 77, Sec. 1)

- Children under 15 must not participate in hostilities and must not be recruited into the armed forces. (Protocol I, Art. 77, Sec. 2; Protocol II, Art. 4, Sec. 3C)
 - Those children who do participate in hostilities do not lose their protections under the Geneva Conventions. (Protocol II, Art. 4, Sec. 3d)
 - Children who have committed an offence related to the armed conflict before their 18th birthday cannot be subject to the death penalty. (Protocol I, Art. 77, Sec. 5)
 - If arrested, detained or interned, children must be held in separate quarters from adults, unless they are with their families. (Protocol I, Art. 77, Sec. 4)
 - Warring parties must try to make local agreements to allow the removal of children from besieged or encircled areas. (Convention IV, Art. 17)
 - Warring parties must allow the free passage of medicine, food and clothing intended for children under 15. (Convention IV, Art. 23)
 - Warring parties, to the extent possible, must ensure that orphans or lost children are not left alone and that they are cared for according to the religious and cultural traditions to which they are accustomed. (Convention IV, Art. 24)
2. The **Convention on the Rights of the Child (CRC)** and its Optional Protocols are the most important international legal instruments to date for ensuring children's security. Entering into force in 1990, the CRC recognises children's rights as human rights and has been ratified by 192 states, more than any other treaty (only two countries are not signatories—the United States and the Sudan). The Convention binds states to protect the social, cultural, economic, and political rights of children. Its four guiding principles are non-discrimination (Article 2), best interests of the child (Article 3), survival and development (Article 6) and participation (Article 12). It includes special protection measures to address children affected by armed conflict (Article 38, 39).⁴⁵
 3. The **CRC Optional Protocol on the Involvement of Children in Armed Conflict**, which was adopted on 25 May 2000 by consensus of the UN General Assembly, raised the age for participation in armed conflict from 15 to 18 years and established a ban on compulsory recruitment below the age of 18.⁴⁶ The second **CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography**, also adopted in May 2000, prohibits the sale, sexual exploitation and forced labour of children. Although both documents entered into force in 2002, far fewer countries have ratified the optional protocols than the initial CRC.⁴⁷
 4. The **1995 Beijing Platform for Action**, adopted at the UN Fourth World Conference on Women, makes specific reference to advancing the rights and concerns of the “girl child.”
 5. The **Rome Statute of the International Criminal Court** includes provisions against the conscripting of children under the age of 15. Article 8 specifically defines conscripting or using children in international or internal conflicts as a “war crime.” In addition, the ICC statute gives itself no jurisdiction for children under the age of 18. Together, these advances enable prosecution of the recruiter, rather than the child, before the ICC. Cases are brought before the court by a government that is party to the treaty, by the ICC's prosecutor or by the Security Council.
- The first prosecution of child recruiters under international law was under way at the time of this publication. The Special Court of **Sierra Leone** is prosecuting members of the pro-government militias on war crime charges of “child recruitment.”⁴⁹
6. Since 1999, the **UN Security Council** has passed four resolutions on children and conflict, all of which are international law:
 - **Resolution 1261** (1999) reiterated the importance of protecting children during armed conflict, condemned their use as soldiers and encouraged programmes to facilitate their disarmament and reintegration.
 - **Resolution 1314** (2000) urged children's inclusion in official peacebuilding processes, noted the special needs and vulnerabilities of girls and provided examples of regional initiatives to protect children.

- **Resolution 1379** (2001) noted the need to protect children during peacekeeping operations, expressed the importance of ending sexual violence and exploitation of women and girls and requested that UN bodies and external agencies direct resources to these issues.
- **Resolution 1460** (2003) noted that the recruitment of child soldiers is now a war crime under the Rome Statute of the International Criminal Court and recognised the need to prevent the sexual exploitation and abuse of women and children by peacekeepers and humanitarian workers through training and punishment.

INTERNATIONAL ACTORS

Although a number of UN agencies address children's issues in the scope of their work, UNICEF is the primary UN branch involved in children's security. UNICEF outlines eight elements of a protective environment for children:⁵⁰

1. attitudes, traditions, customs, behaviour and practices that protect children from abuse;
2. governmental commitment to fulfilling protection rights;
3. open discussion and engagement with child protection issues;
4. protective legislation and enforcement;
5. the capacity to protect among those around children;
6. children's life skills, knowledge and participation in their own protection;
7. monitoring and reporting; and
8. services for recovery and reintegration.

In its advocacy role, UNICEF promotes the ratification and implementation of treaties to protect children, and monitors and reports on violations of these agreements. UNICEF recently partnered with the UN Department of Peacekeeping Operations to develop training materials so that peacekeepers are fully aware of children's rights, specifically the right

not to be victimised by sexual violence. In its programmatic role, UNICEF funds and conducts programmes as varied as family reunification, drug abuse treatment, peace education and landmine awareness. In **Afghanistan**, UNICEF is working in partnership with local and international non-governmental organisations (NGOs) to demobilise child combatants and to reintegrate them with sensitisation and psychosocial programmes, including formal education and skills training.

The **International Labour Organization (ILO)** has adopted various tools for child protection. The most prominent among these is the **Worst Forms of Child Labour Convention** (Convention 182, 1999), which applies to all children under the age of 18 and aims to eliminate the most brutal forms of child labour, including child soldiering, prostitution and slavery. The ILO has field offices around the world that offer a variety of programmes for children and adults. For example, in the conflict zones in **Colombia**, the ILO is conducting a project for child victims of sexual violence.

The **Committee on the Rights of the Child** (established by the CRC) is the key entity that monitors compliance of states that are parties to the Convention by evaluating the country reports required by the CRC. The committee has also developed new standards of protection and pressed governments for specific reforms.⁵¹ The advocacy and watchdog role of NGOs is necessary to the work of the Committee, as each review process for country reports begins with working group meetings during which NGOs can highlight specific areas of concern regarding the government under review.

Multilateral development agencies, such as the World Bank, also contribute to post conflict reconstruction efforts. **The World Bank**, in particular, aims to incorporate child protection and development into its programmes. It runs projects specifically for children that address girls' education, adolescent reproductive health, child labour, immunisation, nutrition and safety.

Donor countries and their respective bilateral development agencies (e.g. the US Agency for International Development, the British Department for International Development, and the Canadian International Development Agency) play a key role in

programme development. For example, the Canadians set aside CAD\$122 million for child protection for the years 2001–06.⁵² Their programmes address child labour, children affected by armed conflict, street children and child victims of sexual exploitation, among other priorities.

There are a variety of international NGOs that focus specifically on the protection of children during armed conflict. CARE International, Save the Children, the Women’s Commission for Refugee Women and Children and others have combined to create the **Watchlist on Children and Armed Conflict**.⁵³

Programmes by NGOs range from advocacy in the international arena to funding and implementing projects to assist children and families in war-torn countries. On an international level, the NGO **International Tribunal for Children’s Rights** conducts inquiries into violations of children’s rights, holds public hearings on the issues and proposes practical solutions. One set of hearings was dedicated to war-affected children.⁵⁴ In contrast, **Save the Children** works on the ground in a variety of conflict areas conducting reunification and rehabilitation projects; in 2004, the organisation was working in **Liberia** to fill the gaps in DDR benefits for children, operating interim care facilities and supporting skills training and apprenticeship initiatives.

REGIONAL INITIATIVES

There are also regional policies aimed at strengthening children’s rights and security. In 1998, the **European Parliament** passed Resolution B4-1078 on child soldiers. It rejects the use of child soldiers, urges countries to adopt the CRC, and calls on the European Commission to direct resources to children in DDR programmes.⁵⁵ In addition, the **Organization for Security and Cooperation in Europe** devoted a paragraph in its 1999 Summit Declaration to its commitment to children’s rights during times of conflict.⁵⁶

The **African Charter on the Rights and Welfare of the Child** (“the Charter”) entered into force in November 1999.⁵⁷ It requires its state parties to take “all necessary measures to ensure that no child shall take a direct part in hostilities and refrain, in particular, from recruiting any child.” The Charter also established a Committee on the Rights and

Welfare of the Child to ensure application of its principles.

The **Inter-American Children’s Institute**, an organ of the **Organization of American States (OAS)**, works for children’s rights in the Western Hemisphere. In 2000, the OAS General Assembly passed Resolution 1709 on **Children and Armed Conflict**, calling upon member states to ratify the CRC, to respect international humanitarian laws that protect children and to support DDR programmes for children.⁵⁸

Also in 2000, representatives of government and civil society groups issued the **Kathmandu Declaration on the Use of Children as Soldiers** at the Asia-Pacific Conference.⁵⁹ The declaration calls on Asia-Pacific states, other armed actors and civil society to prevent the recruitment and use of child soldiers.

Government and civil society representatives from Middle East and North Africa issued a similar declaration in 2001. The **Amman Declaration on the Use of Child Soldiers** calls on governments and armed groups to end the recruitment and use of children under 18, specifically referencing girls, and to provide for the reintegration and rehabilitation of child soldiers.⁶⁰

NATIONAL ACTORS

According to the CRC, the state is obligated to protect children “from all forms of physical or mental violence, injury or abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”⁶¹ The CRC has provided a framework model for national governments to mainstream children’s protection in laws and constitutions. Article 28 of **South Africa’s** Constitution, adopted in 1996, outlines specific rights of the child. Many countries have also appointed special representatives to focus specifically on children.

Parliamentarians can help mainstream issues of child protection into their national and regional legislation. In **Algeria**, a minimum age for recruitment was defined in the National Service Act as 19 years old. In **Kenya**, the 2001 Children’s Act was passed by Parliament to protect children from violence, trafficking and other forms of abuse. In addition to creating laws, parliamentarians can ensure that funding and resources are allocated specifically for child protection. **Chile’s** parliament is considering a budget law to increase funding for child protection by 25 percent.⁶²

CIVIL SOCIETY AND THE COMMUNITY

Civil society organisations—including women’s groups, student organisations, churches, human rights groups and others—are often the first to document cases of the abuse of children’s rights and are well-placed to bring these matters to the attention of governments and the international community.

National and local NGOs may launch advocacy campaigns for the adoption of international legal standards for the protection of children, as well as measures within the national system. In **Cambodia**, for example, several groups formed the NGO Committee on the Rights of the Child for Cambodia, which works to monitor and implement the CRC in Cambodia. NGOs may also organise sensitisation programmes in their communities to engage people on issues of child protection. In **Rwanda**, HAGURUKA, a women’s human rights group, conducts training to teach Rwandans about existing laws and the importance of child protection.

In other cases, NGOs formulate programmes to implement children’s security and protection initiatives. Some of these projects directly prevent the recruitment of children into armed groups. In **Nepal**, the Institute of Human Rights Communication conducts the Children and Zones of Peace campaign, seeking a pledge from the government, political parties and armed opposition not to recruit children; it has been successful with all but the insurgents. In **Cambodia**, religious leaders have engaged with the local community to openly discuss AIDS, mobilise resources for AIDS-affected families and provide vocational training to AIDS orphans.⁶³

In some cases, international NGOs coordinate with local groups to promote the rights of children. Save the Children began Community Child Protection Networks in villages in the **DRC**, which engaged local authorities (civil administration and traditional chiefs), religious leaders, representatives of service sectors (health, education, sports and culture), NGOs and associations, as well as children themselves to respond to alleged child abuse, raise awareness of children’s rights and prioritise the needs and interests of the community for development projects. Activities of the networks have included direct negotiations with authorities and armed groups to prevent recruitment and re-recruitment of child soldiers.⁶⁶

Parents, extended family members, and guardians “can be the single most important factor in determining whether or not a child is protected.”⁶⁷ Some family members have organised to protect children. The “Go-Go Grannies” in **South Africa’s** Alexandria township support each other while raising their grandchildren orphaned by AIDS.⁶⁸

Although parents and family members can be a source of protection, they also can be a source of insecurity in a child’s life due to domestic violence, exploitation or other forms of abuse.

Children, as the primary stakeholders, have an important role to play in their own security and future. Yet often they are neither consulted nor included in decisions related to their welfare. Increasingly, organisations are involving youth in designing and implementing programmes for children. In the course of their work, the **Women’s**

The NGO Group for the Convention on the Rights of the Child (CRC)

This organisation convened in the early 1980s to advocate for, and provide input into the CRC. Since the CRC’s adoption by the UN General Assembly, the NGO Group has continued to promote, monitor and advocate for the implementation of the Convention. The membership of the NGO group includes human rights groups, women’s organisations, trade unions, religious charities and others. Subgroups have formed to work on themes including sexual exploitation, displacement and armed conflict.

A core project of the NGO Group is the Liaison Unit, which creates tools⁶⁴ and provides training to enhance NGO advocacy on these issues and assists them in accessing the working groups of the Committee of the Rights of the Child to provide input into country reports.⁶⁵

Commission for Refugee Women and Children has engaged youth as researchers in the field, designing their own questionnaires and methods for soliciting information from fellow youth. UNICEF also funds programmes at the local level in **Nepal** through which schoolchildren advocate for children's rights as outlined in the CRC. In an innovative programme in **Zambia**, youth are trained as caregivers of people affected by AIDS; they assist with cleaning, nursing care and counselling. Interestingly, "contrary to early concerns that youth would only do tasks according to expected gender roles...male and female caregivers provided similar care-giving services, including counselling and housework."⁶⁹ In addition, youth themselves became increasingly aware of the risks of contracting AIDS and took appropriate preventative measures for themselves.

3. HOW DO WOMEN PROVIDE SECURITY FOR CHILDREN?

Regardless of the conflict or culture, children are primarily cared for by women, particularly in situations in which families have broken up and communities have dispersed. Even in the most dire conditions, such as in refugee and IDP camps, women are the primary source of basic security for children, caring for them, providing water, food, shelter, medication and where possible, encouraging their education and general well-being. This basic role is often taken for granted and thus not supported.

In cases where women have participated in peace negotiations, they have often focused on the needs of their communities and the future for their children. In **Guatemala**, for example, the participation of women in the formal peace process led to a national health program for women and girls and a programme to reunite families and locate children and orphans, among other initiatives.

Beyond the peace process itself, women are at the forefront of advocating and changing policies that affect children at the national level. Women parliamentarians often draft new laws and propose programmes and policies that contribute to children's security. For example, in 2004, all 14 women senators (out of a total of 100 senators) in the US Congress introduced a bill that would authorise

federal funding for programmes to protect and promote women and children's rights in **Iraq**.⁷⁰ In **South Africa**, women parliamentarians have influenced efforts to frame safety and security in terms of human security, prioritising education, for example, over the needs of the military.

As decision-makers in government, women have also historically sought to address the issue of children's rights and protection. A woman directing the Ministry of Women and Family Affairs in **Rwanda** instituted a national programme to care for the nearly 500,000 orphans following the genocide.⁷¹ This unique project was successful; Rwandan women, regardless of ethnicity, accepted foster children into their homes.

Women in **civil society** are also catalysts for change. During conflict, women often organise themselves through widows' and mothers' associations to advocate for the end of war and to influence the peace process. They are able to draw on their "moral authority" as mothers to impact public opinion and decision-making on issues of war and peace.⁷² In **Russia**, women have formed the Committee of Soldiers' Mothers of Russia with offices in 300 cities throughout the country to seek news of missing soldiers, accurately document the casualties and costs of war and nationally advocate to end war and forced military service.⁷³ In addition, women may reach across the conflict divide to other mothers. In **Sri Lanka**, mothers of missing soldiers and youth from the north and south have participated in a woman-led reconciliation process and dialogue, seeking a solution to the ongoing civil war. During war, women have also creatively provided forms of stability for their families. In **Colombia**, women in conflict zones informally arranged with the various fighting forces for safe passage of food and medicine for their families.

When children are marginalised in the post conflict environment, women are most often the actors that address their needs. Internationally, women's groups advocate for the ratification of the CRC and monitor its implementation. MADRE, for example, is a women's organisation based in New York that partners with women's groups on the ground, providing information and training to promote children's rights. At the national level, women's

Abduction, Escape and Return⁷⁴

A mother in **Uganda**, Angelina Atyam, made international news through her campaign for the release of thousands of child abductees by the Lord's Resistance Army, including her own 14-year-old daughter, taken from a boarding school with 138 other girls in 1996. Ms. Atyam, co-founder of the Concerned Parents Association, was offered the return of her daughter if she would stop speaking out against the abductions—a deal she refused. According to news sources, after eight years in captivity, her daughter escaped in 2004 along with two of her own children, conceived with a rebel commander.

organisations, such as the Women's Resource Centre in the **Caucasus**, lobby governments to address the needs of children recovering from armed conflict. Other groups may broadcast the mandate of international instruments for children's rights throughout their country; the Centre pour la Promotion des Droits de l'Enfant et de la Femme in the **DRC**, for example, has as its main mission the translation of the CRC into local languages.

Women also work to fill gaps in official programmes to address the needs and concerns of children. In **Sierra Leone**, the Women's Progressive Movement works to find abducted children, provide financial and medical assistance and facilitate their adoption, as necessary. The Afghan Women's Resource Center provides education and training for women and girl refugees in **Pakistan**, monitors protection issues for refugee women and children, and prepares reports for use internationally in advocacy efforts.

As individuals, too, women are at the forefront of care for children following conflict. Given the gendered nature of violent conflict, women heads-of-household become the norm in many post war societies. The care and reintegration of children naturally fall to women. In addition, they are often the nurses, teachers, community leaders and social welfare workers who address the physical and psychosocial trauma that children experience during conflict.

4. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

1. Develop and conduct training for government forces on the rights of children during war, including international law on the recruitment and use of child soldiers. Raise awareness among traditional leaders, parents and family members to prevent the recruitment of children into government or opposition forces.
2. Encourage public awareness, acknowledgement and acceptance of the trauma experienced by children and others during war through special forums, traditional healing mechanisms or memorials.
3. Start sensitisation campaigns to inform the community about the importance of children's security, including the rights of children, the return of child soldiers, the trauma children have experienced and the specific needs and concerns of girls.
4. Conduct surveys to assess the needs of children in the community, involving children directly in the process.
5. Identify relevant international, regional and national laws for children's rights and protection. Advocate nationally for the ratification and implementation of the Convention on the Rights of the Child and other international and regional mechanisms to promote children's security. Insist on enforcement of laws related to children's security, holding those in violation of these rights accountable for their crimes.
6. Work with donors and the national government to assist children's post conflict recovery. Advocate for reintegration and reconstruction programmes that address the needs of the community as a whole, including children, rather than just individuals.

- Raise awareness at the national and local level of the needs of child abductees and returnees, especially girls, so that they are included in official reintegration, resettlement and rehabilitation programmes.
 - Establish housing centres for children during war and for street children to provide access to food, shelter, healthcare, education and vocational training so that girls, in particular, have alternatives to prostitution, crime or joining an armed group.
 - Begin programmes to care for orphans and facilitate their placement in homes and adoption.
 - Sensitise children and youth to the dangers of landmines and unexploded ordnance.
7. Ensure that children and youth, especially girls, are directly involved in reintegration and reconstruction programs for children.
 8. Work with women's groups, social workers, religious leaders, teachers and nurses to provide rehabilitation assistance to child victims of conflict, specifically addressing psychosocial trauma. Reach out to teenage mothers, in particular, providing childcare to allow them to complete education and skills training.
 9. Advocate for specific mechanisms to include children in transitional justice processes. Coordinate with the international community to ensure the prosecution of recruiters of child soldiers.
 10. Work with the national government and donors to begin peace education campaigns to promote children's rehabilitation and long-term security.
 - Utilise the media to broadcast radio and television messages that provide local models and examples of efforts to promote non-violent conflict resolution.
 - Conduct training in schools; encourage the integration of peace education throughout the curriculum.
 - Develop context-specific methods to reach out to children, and include drama, sports, arts and recreation.
 11. Work with the national government to encourage the participation of children and youth in decision-making and governance through youth parliaments, specific positions in political parties and community leadership posts.

WHERE CAN YOU FIND MORE INFORMATION?

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ACRONYMS

CRC	Convention on the Rights of the Child
DDR	Disarmament, Demobilisation and Reintegration
DRC	Democratic Republic of the Congo
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
ICC	International Criminal Court
IDP	Internally Displaced Person
ILO	International Labour Organization
LRA	Lord’s Resistance Army
NGO	Non-Governmental Organisation
SRS	Special Representative of the Secretary General of the United Nations
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund

ENDNOTES

1. There is no standard definition of adolescents or youth. It varies by culture and society and can be defined by chronology or age, as well as functionally, such as when a child transitions to an adult. See *Untapped Potential: Adolescents Affected by Armed Conflict* by the Women's Commission for Refugee Women and Children for a more detailed discussion at <<http://www.womenscommission.org/pdf/adol2.pdf>>.
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6

Appendix

List of Donors • PAGE 1

Universal Declaration of Human Rights • PAGE 6

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1325 on Women, Peace and Security



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Email: infoausaid@ausaid.gov.au

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Ministry of Foreign Affairs, Foreign Trade and Development Cooperation

Rue des Petits Carmes 15, B-1000 Brussels, Belgium

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Website: www.dgdc.be/en/index.html

Commission on Women and Development (CWD)

DGDC Secretariat

Rue des Petits Carmes 15, B-1000 Brussels, Belgium

Tel: +32 (2) 519.0841

Website: www.dgdc.be/en/topics/gender/index.html

CANADA

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Website: www.acdi-cida.gc.ca/index.htm

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Fax: +1 819.997.2637

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Fax: +1 819.997.2637

E-mail: peace_building@acdi-cida.gc.ca

Website: www.acdi-cida.gc.ca/cida_ind.nsf/d86cbc87319a898c8525677e0072d6f8/06bd41e79fa247768525698a007700f3?OpenDocument

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Division for Humanitarian Assistance and Conflict Management

SIDA, 105 25-Stockholm, Sweden

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Website: www.dfid.gov.uk

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Guidelines for Agencies Seeking DFID's Emergency Funds:
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 Fax: +1 202.216.3524
 Website: www.usaid.gov

Office of Conflict Management and Mitigation

Bureau for Democracy, Conflict and Humanitarian Assistance, USAID, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW, Room 6.09-056, Washington, DC 20523-8602, USA
 Tel: +1 202.712.0197
 Website: www.usaid.gov/our_work/cross-cutting_programs/conflict

Office of Transition Initiatives (OTI)

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 Tel: +1 202.712.0730
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Information on Tenders and Grants:
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Universal Declaration of Human Rights

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose

of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Convention on the Elimination of All Forms of Discrimination Against Women

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women, Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and

development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in

particular through promoting the establishment and development of a network of child-care facilities;

- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures

to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women

equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of

property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by

the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other

measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

- (a) Within one year after the entry into force for the State concerned;
- (b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (amendment, status of ratification)

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI**Article 23**

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider

itself bound by paragraph I of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women

The States Parties to the present Protocol,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Also noting that the Universal Declaration of Human Rights Resolution 217 A (III). proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Recalling that the International Covenants on Human Rights Resolution 2200 A (XXI), annex. and other international human rights instruments prohibit discrimination on the basis of sex,

Also recalling the Convention on the Elimination of All Forms of Discrimination against Women⁴ (“the Convention”), in which the States Parties thereto condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women,

Reaffirming their determination to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms and to take effective action to prevent violations of these rights and freedoms,

Have agreed as follows:

Article 1

A State Party to the present Protocol (“State Party”) recognizes the competence of the Committee on the Elimination of Discrimination against Women (“the Committee”) to receive and consider communications submitted in accordance with article 2.

Article 2

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

Article 3

Communications shall be in writing and shall not be anonymous. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

Article 4

1. The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted unless the application of such remedies is unreasonably prolonged or unlikely to bring effective relief.
2. The Committee shall declare a communication inadmissible where:
 - (a) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
 - (b) It is incompatible with the provisions of the Convention;
 - (c) It is manifestly ill-founded or not sufficiently substantiated;
 - (d) It is an abuse of the right to submit a communication;
 - (e) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

Article 5

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.
2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

Article 6

1. Unless the Committee considers a communication inadmissible without reference to the State Party concerned, and provided that the individual or individuals consent to the disclosure of their identity to that State Party, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State Party concerned.
2. Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.

Article 7

1. The Committee shall consider communications received under the present Protocol in the light of all information made available to it by or on behalf of individuals or groups of individuals and by the State Party concerned, provided that this information is transmitted to the parties concerned.
2. The Committee shall hold closed meetings when examining communications under the present Protocol.
3. After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.
4. The State Party shall give due consideration to the views of the Committee, together with its

recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.

5. The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party's subsequent reports under article 18 of the Convention.

Article 8

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.
2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.
3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.
4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.
5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

Article 9

1. The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken

in response to an inquiry conducted under article 8 of the present Protocol.

2. The Committee may, if necessary, after the end of the period of six months referred to in article 8.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

Article 10

1. Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 8 and 9.
2. Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.

Article 11

A State Party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.

Article 12

The Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the present Protocol.

Article 13

Each State Party undertakes to make widely known and to give publicity to the Convention and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party.

Article 14

The Committee shall develop its own rules of procedure to be followed when exercising the functions conferred on it by the present Protocol.

Article 15

1. The present Protocol shall be open for signature by any State that has signed, ratified or acceded to the Convention.

2. The present Protocol shall be subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 16

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

Article 17

No reservations to the present Protocol shall be permitted.

Article 18

1. Any State Party may propose an amendment to the present Protocol and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties with a request that they notify her or him whether they favour a conference of States Parties for the purpose of considering and voting on the proposal. In the event that at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of

the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

Article 19

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.
2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 or any inquiry initiated under article 8 before the effective date of denunciation.

Article 20

The Secretary-General of the United Nations shall inform all States of:

- (a) Signatures, ratifications and accessions under the present Protocol;
- (b) The date of entry into force of the present Protocol and of any amendment under article 18;
- (c) Any denunciation under article 19.

Article 21

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 25 of the Convention.

United Nations Security Council Resolution 1325 on Women, Peace and Security

The Security Council,

Recalling its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President and recalling also the statement of its President, to the press on the occasion of the United Nations Day for Women's Rights and International Peace of 8 March 2000 (SC/6816),

Recalling also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the twenty-first century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

Noting the need to consolidate data on the impact of armed conflict on women and girls,

1. 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;
2. Encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. Urges the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. Further urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;
5. Expresses its willingness to incorporate a gender perspective into peacekeeping operations and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;
6. Requests the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;
7. Urges Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the United Nations High Commissioner for Refugees and other relevant bodies;
8. Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;
9. Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention Security Council - 5 - Press Release SC/6942 4213th Meeting (PM) 31 October 2000 on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of

- the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;
10. Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;
 11. Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;
 12. Calls upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998;
 13. Encourages all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;
 14. Reaffirms its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;
 15. Expresses its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;
 16. Invites the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and further invites him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;
 17. Requests the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;
 18. Decides to remain actively seized of the matter.

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