



ADDRESSING GENDER-BASED VIOLENCE IN WEST AFRICAN PEACE PROCESSES

A guidance note for mediators



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Text by CMI GBV Project Team




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Gender-based violence obscures the distinction between binary categories like conflict and post-conflict, or public and private. A continuum of violence often covers all these areas and it is crucial for mediators to look beyond such fixed categories.

This is why mediators and their teams should seek to understand how different types and levels of violence interact with each other, and how past conflicts are built into the logics of contemporary violence.

1. INTRODUCTION



Peace processes lay out the bases for future society. They outline priorities for new institutions and practices, with the aim of building lasting peace. Women's effective participation in peace processes can offer women political gains on a wide range of issues that affect their rights and gender equality. For many women, addressing conflict-related gender-based violence through different measures means "getting the past right", but also recognising broader structural injustices that should be addressed and transformed through the peace process. An integration of a gender perspective implies engaging the negotiating parties in transformative thinking about the roles of men and women. It urges to make decisions that do not allow a return to the status quo.

This is particularly important in contexts where gender-based violence has been a significant manifestation of the conflict and has featured as one of its triggers. Extensive evidence has been gathered from recent West African conflicts - particularly those in Liberia, Cote d'Ivoire and Sierra Leone - of various forms of sexual violence and other

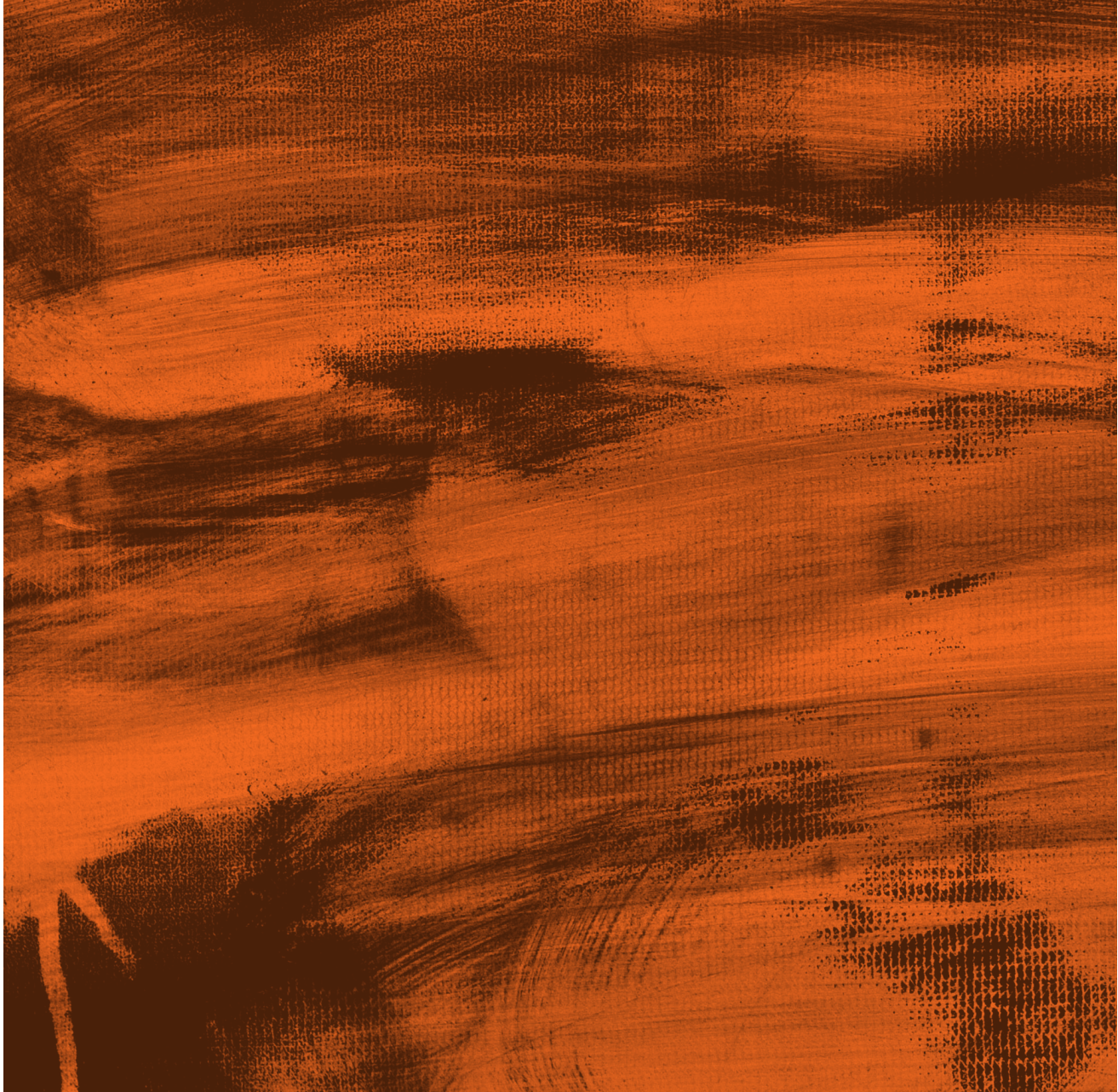
gender-based abuses. This violence tied in with the class, ethnic and inter-generational conflicts at the root of the wars in the region. It also resulted in a complex legacy for peace processes and longer-term, effective addressing of peacebuilding policies.

Regardless of the urgency to address gender-based violence and injustices through peace processes, women and their interests still remain excluded.

Addressing conflict-related gender-based violence means "getting the past right", but also recognising broader structural injustices that should be transformed through the peace process.

Considerable international attention has been given to the role of women in peace processes over the last decade, but gender-blind peace agreements still appear the norm. These facts underline the necessity for a more professional approach to mediation and the need for mediation efforts to be more inclusive.

The aim of this guidance note is to provide analytical tools and practical recommendations for mediation teams to better understand the implications and address gender-based violence throughout a peace process. Where appropriate, it enriches and complements the United Nations Guidance for Effective Mediation¹, and the Guidance for Mediators for Addressing Conflict-Related Sexual Violence². Special attention is put on entry points for mediators at different phases of the process. The Guidance note draws on the findings and recommendations of a joint CMI-WANEP project on Gender-Based Violence and Mediation, which sought to compile empirical information from the peace processes in Côte d'Ivoire and Liberia, and to bring together the expertise of a number of actors working in the region.³



2. WHAT IS GENDER-BASED VIOLENCE AND HOW IS IT LINKED TO CONFLICT?



Gender-based Violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (gender) differences between males and females. It plays on gender norms and relations to break people down, both emotionally and physically.⁴

Gender-based violence is a significant *manifestation* of violent conflicts in West Africa. Different forms of gender-based violence have been used extensively in conflicts in the region. Testimonies and other evidence have been collected, especially from the wars in Liberia and Sierra Leone where sexual violence such as gang rape, sexual slavery, sexual torture, rape with objects, and sexual mutilation were used against women, and to a lesser extent men. Rapes and other humiliations occurred in front of family members and in public spaces. Boys or young men were coerced into violence against their own family members and then forcibly recruited. This made it difficult for them to return to their communities of origin.

❖ A legacy of gender-based violence carried over to peace time easily translates into a “normal state of affairs” within families and communities.

In the case of West Africa, pre-existing social conflicts were exploited by warlords when they mobilised the young men's willingness to fight lawlessness and exploitation. The war established new hierarchies between younger and older men, when young men

were trained to become commanders who brutally disempowered old authorities. On the orders of the warlords, commanders systematically employed (mass) rape of the women and girls of their respective opponents as a war tactic. Many women and girls were abducted as “bush wives” to provide both sexual favors and daily labor for young militiamen and soldiers - a privilege previously reserved only for older, higher-ranking men.⁵

Targeted incidents of gender-based violence have also featured as *triggers* of violence between communities or warring factions. Furthermore, gender-based violence can be seen to feed into broader cycles of violence in reinforcing *root causes* of the region's conflicts. Testimonies collected during our project suggest that gender-based violence follows the conflict cycle and easily converts from war-time rapes to violence inside the communities, perpetrated by family members, neighbours, youth gangs, and ex-combatants. It does not just affect women but influences the whole society.

Peace processes and agreements do not always reflect the fact that a legacy of gender-based violence is carried over to peace time, easily translating into a “normal state of affairs” within families and communities, and remains for a long time as an obstacle to meaningful and sustainable peace. In many countries that have suffered

a violent conflict, rates of interpersonal violence remain high after the cessation of hostilities.⁶ The focus groups for this study emphasized that children and youth who have seen violence in their communities during conflict are more likely to exhibit aggressive behaviours themselves (Also corroborated by Terry 2004) although girls and boys may do this in gender-specific ways.

Thus, gender-based violence rarely conforms to the timelines of peace treaties and ceasefires but endures past them. In West Africa today the primary threats to the security of women are their partners, relatives and neighbors. For example, over 60% of assault survivors whom the International Rescue Committee assists in the region are seeking help because of violence committed by an intimate partner.⁷ This violence, pervasive in the lives of men and women in the region can contribute to the lesser participation of women and be a trigger for conflict to break out again.

3. WHAT CAN MEDIATORS DO TO ADDRESS GENDER-BASED VIOLENCE?



Gender-based violence obscures the distinction between binary categories like conflict and post-conflict, or public and private. A continuum of violence often covers all these areas and it is crucial for mediators to have a willingness to look beyond such fixed categories to understand how different types and levels of violence interact with each other, and how past conflicts are built into the logics of contemporary violence.

Inclusion in negotiations and peace agreements is an important starting point for addressing gender-based violence and achieving other political, legal and social changes in the status of women. Research suggests that reference to women in framework or implementation agreements tends to facilitate the inclusion of women in post-conflict peace building strategies and in the future political and legal order itself.⁹ Issues that are not specifically mentioned in the agreement can be difficult to prioritize post-agreement, especially as donor funds tend to flow according to the terms of the agreement.

Given this importance of the peace process and the peace agreement in addressing the legacy of gender-based violence and discrimination, mediators should aim to meet women's immediate needs as well as to challenge broader patterns of gender inequality through concrete actions in three inter-related fields:

- building a gender perspective into all aspects of the negotiations;
- developing specific actions to address and prevent gender-based violence, and
- ensuring women's participation and representation in negotiations.

3.1 BUILD A GENDER PERSPECTIVE INTO ALL ASPECTS OF THE NEGOTIATIONS

Gender-based violence is a broad structural and societal phenomenon. Thus, a cross-sectoral approach which considers gender issues across different policy areas is most likely to be effective. Taking a gender perspective requires us to look at the structures, institutions, power relations and socio-economic conditions in order to understand the situation of individuals and groups of men and women as well as to consider the effects that different policy choices can have on different groups. Since gender analysis can help us understand such complex relationships, it is a powerful tool for

analysing conflict and weighing options for peace.

Conflict and gender relations are closely related and interlinked in complex ways. Conflict affects men and women in different ways and it often has significant impacts (sometimes

positive but mostly negative) on the relations between men and women. Discriminatory gender relations, often related to otherwise hierarchical societies, can also influence the patterns of conflict that the societies are vulnerable to. In the case of the conflicts in West Africa, marriage, land use rights, and political participation were

Conflict and gender relations are closely related and interlinked in complex ways.

prerequisites for recognition as full men. This was systematically denied to young, low-ranking men. This intense competition for economic and sexual resources as well as opportunities together with rigid age stratification was one of the triggers of violence.

Although often portrayed as victims, it is important to note women's active roles in supporting and preventing conflict, as well as sustaining families and communities during armed conflict. Some young women, for example, joined the militias more or less voluntarily, e.g. to escape forced marriages. They took on numerous different tasks, such as participation in combat missions and raids, weapon and munitions transport, intelligence services, torture, robbery and pillage, provision of basic daily supplies, care of the wounded and sexual services.

Gender analysis can help us understand conflict dynamics and the causes of GBV better, but it is also crucial in the analysis of different institutional and policy options, as decisions across all fields are likely to have differential effects based on gender. Mediators should consider a number of strategies and practical actions to build a gender perspective into the peace process.

- * **Build a context-appropriate gender and conflict analysis and consult as early as possible with gender experts** familiar with the conflict context and with various political and civil society actors able to represent different women's interests. Gender analysis should always include information *about* men and women, as well as information *from* men and women.
- * **Ensure that gender advisors are available at each stage of negotiations** to provide technical support to mediation teams as well as members of the delegations in order to ensure effective gender-related provisions in the text of the peace agreement. Experience has shown that women acting as gender advisers or legal professionals in peace processes can have a substantial impact on the inclusion of specific provisions relevant to the status of women.⁹
- * **Work towards committing personally the leader of the team.** Propose gender awareness training to male and female negotiators as well as members of the mediation team. Allocate resources to develop briefing packs before the start of the assignment.
- * **Identify and negotiate entry-points for the negotiation process,** which respect cultural characteristics like "honour" and "face saving" while opening up space for women's and men's needs and interests. Find ways to link gender issues to the self-interest of the negotiating parties.¹⁰

Gender and conflict analysis: questions for mediators

Roles and identities

What roles do men and women take up during conflict? Do these follow traditional gender roles?

What factors do men and women see as being central to conflict?

Have assumptions about boys' and men's roles fuelled violence?

What capabilities do different actors have to intensify or resolve the conflict?

Institutions

What rules govern men and women's access to economic resources and services?

What are the social norms, laws and practices that shape gender-based violence?

What rules govern men and women's access to political debate and decision-making?

Policies

How are policies likely to impact on gender roles?

How are men and women likely to benefit from different policy options?

Are specific measures required to ensure that men and women can benefit equally from a policy?

3.2 DEVELOP SPECIFIC ACTIONS TO ADDRESS GENDER-BASED VIOLENCE

In addition to a broader gender analysis, there are specific actions that mediation teams can take to address the legacy of conflict-related gender-based violence and to prevent future violence. As our research suggests, various challenges exist around addressing impunity for gender-based violence. Silence surrounds experiences of GBV, during conflict and in the post-conflict era. Police and other authorities are not sufficiently aware of how to deal with cases of gender-based violence, and may be hostile to victims or abuse women themselves. In addition, courts do not have the capacity to deal with GBV cases in countries where the judicial infrastructure has been all but destroyed. When courts and judges exist, they may not follow the letter of the law and often deny survivors' access to justice

Similarly, disarmament, demobilisation, and reintegration programs do not sufficiently address the risk of increased domestic violence after combatants are demobilized. Furthermore, the necessities of female ex-combatants have rarely been taken into account, and the specific problems in their return to civilian life have seldom been discussed. Female ex-combatants and survivors of sexual violence are often rejected by men and also by other women and children. This is why, in order to avoid shame and stigmatisation, women usually try to hide the violence perpetrated against them as well as their own actions as perpetrators of violence.

As in the case of gender analysis, specific actions to address GBV should be developed in a range of areas under negotiation during peace processes (see table below for concrete entry points). Understanding some of the root causes of GBV can help mediators move towards prevention of such violence. These root causes may include discriminatory laws, norms and cultural practices. Specific actions that mediators should consider to facilitate a discussion across these different policy areas include:

- * **Build as reliable a picture as possible about the extent and patterns of conflict-related sexual violence and other gender-based violence.** Seek out information about violence and abuse of both women and men.
- * **Mediators should enquire about the needs and priorities of survivors themselves.** Well thought through guidelines should be put in place to guarantee the confidentiality of survivors and witnesses throughout consultation processes. Furthermore, counselling needs to be given before the testimonies are recorded; this way remembering can contribute to the healing process.
- * **Provide advice to negotiating parties on how to include references to gender-based violence, women's rights, and gender equality in the peace agreement and what their implications are.**

4. ADDRESSING GENDER-BASED VIOLENCE: ENTRY POINTS FOR MEDIATORS

Justice system

Impunity for gender-based violence is not automatically addressed by peace. Legal codes or their poor implementation normalises violence in post-conflict society. Few sexual or domestic violence cases are tried in court due to understaffed legal systems, unattainable legal advice, and stigmatisation around gender-based violence.

RECOMMENDATIONS FOR MEDIATORS:

- Creation of mechanisms for reporting and registering, with focus on confidentiality and protection of victims.
- The role of customary justice system should be considered carefully from human rights point of view and with extended consultation with women at different levels.

Needs of IDPs and refugees

Displacement has differential impacts on men and women, with women often taking up the role of head of household. Displaced and refugee women suffer special risks of GBV but their voices are seldom heard in IDP and refugee policy and in camp management. Former female combatants face particular challenges in demobilisation camps.

RECOMMENDATIONS FOR MEDIATORS:

- Conduct a political analysis of the IDP/refugee situation to explore tensions within the camps as well as links to the broader conflict
- Explore mechanisms to allow women's voices and interests to be represented in IDP camp design, management and resource allocation.

Sexual Violence

Mediators should seek available research on sexual violence during conflict and enquire what the victims' priorities are. Rapes might emerge from troops on the ground and occur because of weak chains of command. Alternatively, sexual violence might be committed with high prevalence because of explicit political or ethnic targeting and be used as a "strategy of war."

RECOMMENDATIONS FOR MEDIATORS:

- In order to prevent this violence, more should be known about its causes and why its manifestations change.
- Acknowledge that cycles of hatred and revenge produced by sexual violence rarely conform to the timelines of peace treaties and ceasefires, but endure past them and are difficult to reconcile.

Disarmament, demobilisation and reintegration

Former female combatants are particularly vulnerable and often lack access to DDR programs. They are frequently unable to return to their communities due to stigma. Young, former male combatants are also vulnerable to violence and remobilization, and often face stigma caused by the stereotype of combatants as perpetrators of GBV.

RECOMMENDATIONS FOR MEDIATORS:

- Seek information about the armed actors and the extent to which women are involved, and in what roles.
- Provisions for women associated with armed actors should be built into peace agreements, to ensure that also non-combatant women are able to take part in reintegration programs.

TRCs and truth telling	<p>It is important to ensure that a gender perspective is inclusive throughout the implementation of transitional justice mechanisms, including truth and reconciliation commissions. A gender perspective should not be reduced to parallel administrative structures, specific personalities, or separate chapters in the reports of truth commissions. The society must know truth about GBV in conflict.</p>
	<p>RECOMMENDATIONS FOR MEDIATORS:</p> <ul style="list-style-type: none"> • Recognition of the specific nature of suffering that women have undergone can become a driver of post-conflict reconstruction and reconciliation. • Mediators should insist on transitional justice measures always taking a gender sensitive approach.
Land rights and inheritance	<p>Fierce competition over economic resources, particularly land, as a precondition for men's ability to form a family and become a full member of society can trigger violence. Women are often unable to own or inherit land and war widows face difficulties in claiming their rights to their land after conflict. Land as well as women are usually inherited by the deceased husband.</p>
	<p>RECOMMENDATIONS FOR MEDIATORS:</p> <ul style="list-style-type: none"> • When reparations or restitution of property are discussed, more attention needs to be focused to the rights of widows and other women as legal inheritors of land and property. • Mechanisms to monitor effectively the implementation of restitution should be created.
Elections and violence	<p>Electoral violence has persisted in the region and elections tend to become a scene of violence. Threats and violence against women candidates are common during electoral campaigns. Violence also discourages women from voting. There is a perception that young men are recruited for electoral violence across the borders in the Mano River sub-region.</p>
	<p>RECOMMENDATIONS FOR MEDIATORS:</p> <ul style="list-style-type: none"> • Mediators should secure the possibilities for women to postulate, campaign, and vote. • The means to prevent the mobilisation of youth to commit election violence should be assessed.
Early warning	<p>Early warning and prevention initiatives respond to the trajectory of conflict and attempt to prevent and or mitigate the use of violence. In many countries in conflict likely theatres of violence are at the local level and outside the reach of formal institutions. Both men and women should have the opportunity to report on their security situation, regardless of control and authority of local and regional power holders. The data and indicators extracted should serve both for external and as human security purposes.</p>
	<p>RECOMMENDATIONS FOR MEDIATORS:</p> <ul style="list-style-type: none"> • The different threats and concerns that impact men and women should be considered and analysed separately and with equal attention. • Mediators should ensure that women monitors reporting on the security situation locally do not face unprecedented risks against themselves or their families.
Organized crime	<p>The parallel economics of criminality and trafficking in people, guns and drugs makes the region continuously vulnerable to renewed conflict and upholds a normalisation of everyday violence and abusive gender relations. Post conflict fragile states become easily spaces for increased prostitution, sexual violence and trafficking, including the abuse of men and boys.</p>
	<p>RECOMMENDATIONS FOR MEDIATORS:</p> <ul style="list-style-type: none"> • Analysis of organised crime should be seen in parallel with data on gender-based violence and the links between the two should be explored. • Mediators should assess the possible actions of criminal actors and consider gender based violence as an indicator when foresight methods are applied.

3.3 ENSURE EFFECTIVE CHANNELS FOR WOMEN'S PARTICIPATION

During conflict, women tend to play a range of roles, often taking up tasks of the breadwinner in addition to their traditional roles as well as at times joining the armed forces. However, men tend to dominate leadership roles in war and peace, and in fact almost all decisions in peace negotiations are made by men. While it is possible to include technical provisions that address gender-based violence into peace agreements without the presence of women, this is in practice unlikely to happen without the pressure from either authoritative women negotiators, mediators or powerful civil society coalitions.

Regardless of the active role that women play in civil society and mid-level positions in a range of organisations, they are almost universally absent in peace negotiations. A review of 31 major peace processes since 1992 found, for example that women represent a strikingly low number of negotiators and that there has been little increase since the adoption of Security Council Resolution 1325 in 2000. The study “reveals that only 4 per cent of signatories, 2.4 per cent of chief mediators, 3.7 per cent of witnesses and 9 per cent of negotiators are women.”¹¹ However, many peace processes have seen organised women's peace coalitions lobbying for a seat at the table and articulating women's demands.

Mediators should carefully analyse the gate-keepers for increased women's participation and develop strategies, such as the right financial incentives or sanctions to ensure their buy-in. At least three types of participation should be encouraged: (i) formal participation by women in the peace process as members of negotiating delegations or in the mediation team, (ii) structured dialogue between women's groups civil society and the formal talks, and (iii) measures to promote women's participation in the national institutions that are set up as a result of the peace agreement. Concrete actions and entry points for the mediation team include:

- * **Recruiting qualified senior or mid-level women to their own team.** Most non-governmental and intergovernmental organizations as well as the private sector are staffed by competent women at all levels of seniority, so it should be possible to recruit highly qualified women for the mediation team as well as the negotiating delegations.
- * **Providing incentives for greater representation of women in negotiation teams.** This may include financial incentives such as offering to pay for an extra seat for all negotiating parties on the condition that the seat is filled by a woman or stressing increased legitimacy in front of the international community as a good reason to include more women on negotiating teams.
- * **Setting up a mechanism for women's coalitions to feed into the peace process.** This should happen during the pre-talks phase so that the coalitions have a realistic opportunity to develop joint policy positions and to influence the agenda and the talks.

Addressing gender-based violence in peace processes: Checklist for mediators

	Pre-talks	Talks	Agreement	Implementation
Build a gender-perspective into all aspects of the peace process	<p>Has a gender and conflict analysis been conducted in a context-relevant way?</p> <p>Has the mediation team identified gender experts with experience of the specific conflict context?</p>	<p>Do delegations have access to adequate gender expertise?</p> <p>Does the agenda of the talks include issues of specific concern to women and girls?</p> <p>Are gender experts involved in all aspects of the talks and in sub-agreement processes?</p>	<p>Are questions about gender equality or women's rights addressed throughout the agreement?</p> <p>Does the team have sufficient legal and gender expertise to ensure effective language?</p> <p>Does the agreement reference SCR 1325 and other key frameworks?</p>	<p>Do the mandates of the implementing institutions adequately address gender issues?</p> <p>Are these institutions effectively addressing gender issues in practice?</p> <p>Has gender expertise been included in monitoring plans?</p>
Developing specific actions to address and prevent gender-based violence	<p>Have funds been earmarked for gender expertise?</p> <p>What kinds of data sources exist on different forms of conflict-related GBV?</p> <p>Which actors at the local level have knowledge or access to information about GBV?</p> <p>Have briefings been prepared for mediation teams and delegations?</p>	<p>Does the agenda of the talks include a focus on addressing conflict-related GBV?</p> <p>Do negotiations around key security and justice questions address the legacy of gender-based violence and impunity?</p> <p>Do debriefing mechanisms include considerations about gender-based violence?</p>	<p>Is GBV mentioned in the agreement?</p> <p>In the case of ceasefire agreements, is language that prohibits GBV included?</p> <p>Does the team have sufficient legal and gender expertise to ensure adequate and effective language?</p>	<p>What institutions are set up to implement GBV provisions and do they have the adequate mandate and funding?</p> <p>How are levels of GBV monitored over time?</p> <p>Do early warning mechanisms include a focus on cases of GBV?</p>
Ensuring women's participation and representation in negotiations	<p>Has the mediation team identified civil society actors able to represent a diversity of women's interests?</p> <p>Who are the key gatekeepers for women's formal participation in the talks? How can they be influenced and by whom?</p> <p>Have communications channels been opened between women's groups, mediators and delegations?</p>	<p>Do official delegations include women?</p> <p>Are there "hidden" asymmetries that prevent women from participating effectively? How can these be addressed?</p> <p>Are there structured channels for women's groups to address the delegations?</p> <p>Have funds been earmarked to support women's effective participation?</p>	<p>Is there language in the agreement to facilitate women's continued participation in peace building processes?</p> <p>What strategies are in place to disseminate and publicise the agreement more widely?</p>	<p>Are women adequately participating in institutions set up to implement the peace accords?</p> <p>Are women's groups able to participate in the monitoring of the peace agreement?</p>

Additional sources: UN DPA (2012), Goetz (2012), Kvinna till Kvinna (2011), SwissPeace (2008)

5. ENDNOTES



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