

Revising Gender in Fragile States

Event March 18-19, 2010



*PSO Theme Group Gender
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Introduction

Objective

Is contributing to gender equality and capacity development different in fragile states, and what does that mean for policies, strategies and interventions? What are the recommendations for next steps? And what are the pitfalls? These were the main objectives for the *collective learning event Revising Gender in Fragile States*.

Issues

Participants expectations and questions to be dealt with during the event *Revising Gender in Fragile States* could be summarized as a need for more knowledge and insights:

- Need for theory and concepts on gender and fragile states and the connection between the two concepts
- Need for new insights and inspiration
- Need to be knowledgeable to analyse the context and make gender aspects more explicit in a fragile context
- How to get the gender analysis more specific, relevant to gender issues?
- Need to translate a gender equality vision to practice in the field
- Good practices of colleague and partner organisations and the challenges and questions they face
- How to avoid self-evident and/or limited interventions such as approaching women as victims, unilateral focus on violence against women, health care, etc.
- Need to design gender intervention strategies that respond to international standards or law

And secondly participants expressed a need to improve capacities to act effectively on achieving gender equality in a fragile context:

- Capacities to translate lessons learnt into policies and practices
- How to discuss sensitive gender issues with partner organisations
- How to support partner organisations effectively, and from policy level to practice

- Capacities to work with faith based organisations i.e. start with awareness on gender equality issues

Thirdly, when interventions are already chosen:

- How to encourage partner organisations to discuss gender sensitive issues
- How to communicate messages on gender equality, i.e. lobby for quota?
- How to build a movement for gender equality?
- How to promote organisational learning on gender issues?

Bookmaker

The first chapter is about field experiences. Mrs Khan from Pakistan challenges the concept of fragile states and describes the influence of NGO's to the women's movement in Pakistan. Secondly, Mrs Katunga from DRC argues that leadership development for women is very important to improve the status of women and the importance of seeing themselves as actors and not as victims.

The second chapter reflects some thoughts about: "Why is gender omitted in fragile states policies?" Prof. Georg Frerks explains that one reason is the origin and birthing process of the concept of fragile states.

The impetus of legal instruments for women's participation is discussed in the third chapter, reflecting the thoughts of Prof. Ineke Boerefijn aired during the interview with Amma Assante.

The fourth chapter shows some outcomes of group work and finally you will find a number of references (chapter 5) related to the topic that are available as pdf files and can be send to you by PSO's Theme group Gender, as well as some other relevant hard copy references, that can be requested from libraries.

The last chapter (chapter 6) provides you with a list of all participants.

Program

Thursday March 18, 2010

13:30	Start and registration
14:00	Getting acquainted, personal focusing and linking with the theme
14:45	Introduction and objectives of this two-days event and the program
15:00	Introduction by Mrs Nighat Said Khan from Pakistan
16:15	Introduction by Mrs Therese Katungu from DRC
17:45	Theoretical framework and scientific notes by Mr Georg Frerks
18:45	Formal closing of the day
19:30	Dinner

Organised by:

PSO Capacity Building, The Hague

Facilitated by:

Gerard Wieffer
Tessa Roorda
Michael Baumeister
Johan te Velde



Friday March 19, 2010

8:30	Wake up exercise and recap of the previous day
9:30	Group work
11:00	Intermezzo: Legal instruments within a fragile context: interview with Mrs Ineke Boerefijn (Netherlands Institute for Human Rights)
11:45	Group work continued
12:30	Lunch
13:30	<i>Walking</i> the outcomes
14:15	Panel chaired by Amma Asante and Panel members
16:00	Closure

Panel:

Theo Hollander
Nighat Said Khan
Mekka Abdelgabar
Tessa Roorda



1. Country experiences

Two fragile contexts and its challenges in relation to gender were discussed. Mrs. Khan and Mrs. Katunga gave introductions about Pakistan and the Democratic Republic of Congo (DRC) respectively.

1.1 Pakistan

Of course, there are fragility indicators regarding Pakistan. For example, there are inter- and intra-state conflicts. Pakistan has contested borders. Geographical boundaries are different from ethnic and political boundaries. Pakistan has not recognized its borders except for a border with Afghanistan which in turn is not recognized by Afghanistan. However, looking at the indicators for *fragile states*, says Mrs. Khan, she argues that probably more than a hundred states in the world can be classified as fragile states. So what is actually the added value of using the concept fragile state?

Women's movement and NGO development

There is a strong women's movement in Pakistan. And equal citizenship has been on their agendas for a long time. Female leadership grew in the seventies, to counteract martial law and islamization. Women fought back and grew into leadership roles. As of 1988, which is referred to as the 3rd phase of reform, non-government organisations come in, bringing along problems such as funding mechanisms and this has negatively affected the women's movement.

What has caused this effect? There are several reasons. Large amounts of funding is destined for professionalization of organizations. International NGO's and donors ensure that their needs and political agendas are implemented and reacted to by giving funding. This is imperialism, says Khan. Donors also keep changing their agenda's and this does not promote the sustainability of organizations investing in a certain theme like gender justice.

In Pakistan donor money is channelled through only a hand full of organizations (20), of which only 2 are women's organizations. The advantage for the women's organisations you could say is

that the NGO agendas do not affect the whole women's movement. There is a large female farmers movement active at the moment in Pakistan. On the other hand, scarce resources are available to a small (elite) group. Women who come from more well to do families face more problems, because it is seen as a deterioration of men's social status if their wives have to work. Some younger women do not face gender inequalities, as they (think to) have access to resources they consider useful to themselves.

1.2 Democratic Republic of Congo (DRC)

If we go to the other fragile context, DRC, then Mrs Katunga says that from the outside it seems that they are in the middle of the conflict, and on the other hand she feels progress (on rebuilding) is made: people have rebuild their lives, the infrastructure and political structures. We refer to the North Kivu province of DRC which is a post conflict situation, but from time to time rebels still come to destroy what has been build up. And she does consider the region a fragile context. Below some of her points are described, plus a transcript she send us in French and which has been translated by Francis Njibi.

Gendered roles and values in society and shifting roles

War changes roles of women and men, but this does not bring about a sustained improved status for women in DRC. Men have lost their jobs, but also leave farm work to the women. Because of the war, women have taken up additional tasks and responsibilities that were seen as men's responsibilities and women took care of almost everything. As a result of this women are overloaded with work. This is not recognized nor valued by society, among men, the government and from some conservative women.

Mrs. Katunga, a female leader of a women's farmer organisation, stresses various times that women are not recognized nor valued by society nor government. So her question is: *how to improve the situation of women who have a lot of tasks? How can the women be strengthened and have her work recognized and valued?*

Law and status

The law, in this sense, is positive for women says Mrs Katunga, however this law is not applied. So the question is how to reclaim our rights as women? Women should own land and regain their human rights.

Attitudes of men

There is a strong division of labour. For example for farm work, and even if men and women work the whole day, it is usually the women who will carry the wood for cooking and prepare the meal and the men carry the machete. Even though quite a number of men are jobless, they still have a kind of arrogance. Having a paid job, working in the formal sector, is important to men. War created a change in the relationship between men and women.

Strategies

There are several strategies to regain women's human rights. For example, identify men that support and promote women's rights. Building female leadership is very important. This happens by training women and they then form circles where they exchange experiences.

Fragility of states and consequences

Fragility of states is a result of long periods of conflicts (armed conflicts, political crisis). Thus, fragility can be stopped at political, institutional and economic levels.

Mrs. Katunga identifies two categories of fragile states:

- States with established institutional mechanisms, but they need to be consolidated (as is the case with the DRC)
- States whose institutional dimensions are still embryonic.

The consequences of fragility, as Mrs. Katunga sees them, are:

- Loss of Human Resources competencies because the Public Administration is losing strength,
- The macroeconomic framework has prolonged weak periods,

- And furthermore, many people see their lifelong projects, hopes, and desires crumble and destruction is not only material, but also at the level of social relations and emotional balance,
- There is absence or weak capacity of the institutions to manage development programs of the country.
- The conflict weakens existing democratic structures and generally builds-up (the case of Africa especially) towards autocratic or simply non-democratic political structures.
- It favors the institution of political structures whose leaders' main merit is having won the conflict or war. The judicial system generally collapses during the conflict, and
- There is insufficient security for people and property.

Fragility can develop as a chain: Crisis/conflict → weakening of the state → Deterioration → Collapse (general weakening of the state authority). And also vice versa: → Stabilization → Development.

Furthermore, consequences are, according to Mrs. Katunga:

- Destabilization of the macroeconomic framework
- Difficulties to handle basic social expenditures.
- Risk of relenting internal efforts in terms of reforms.

Conceptualising gender and leadership

Gender is a socio-cultural structure that determines the roles and behaviour of men and women in a given society and within a limited period.

Leadership is the capacity possessed by an individual, which permits this person to direct and coordinate the activities of a working group. This individual strength is this capacity to influence, motivate and make others to be capable. The objective is therefore not only to make people feel better by helping them to understand their situation, but also to incite them to act in order to

improve their future. This attitude leads to an authentic participation in societal process and offers a realistic perspective to modify the existing power structures.

In other words, the term leadership is the potential that a person uses to influence the behaviour of other persons or to withstand influence from others. One sees in this definition that power is assimilated into the notion of influence and participation.

Participation itself can be defined as an implication in a situation or a process. Thus, political participation equally includes actions taken with the intention of influencing the choices of politics of the masses, administration, civil matters or the choice of political leaders at all local or national government levels. These actions can be formal as exercising of right to vote, or informal, like behaviour within the civil society, such as the demonstrations or actions of protest.

How do men and women influence political choices, create a legal framework, a lawful environment and the judiciary favourable for reconstruction in a post conflict state and development? Before answering this question, it is important to make an allusion to the consequences conflicts have on gender relations in a community.

Gender dimension in a conflict or post conflict situation

It is clear that women are affected in a different way by conflicts than men. The deplorable consequences of wars on the lives of women and children in DRC has been well documented including forced movements, rape and other acts of violence; sexual, moral, psychological and HIV/AIDS infections. The consequences transform how the society functions. Moreover, when they last a long time, they destroy the economy and impair the main structures such as methods of subsistence, the means of survival and division of labour. These changes have important outcomes on the relationship between men and women.

Although these role changes and identity greatly vary according to local specificities, and therefore require an in-depth analysis according to the

context, we nevertheless often observe similarities on some major points:

Transfer of responsibilities

Collapse of social norms provoked by war leads to changes in sex-specific roles; men's' role and women's role as well, but especially those of the women¹. In their social roles, women must also adopt additional responsibilities, especially if they are displaced from their home and separated from other family members, notably men whom they normally expect to feed, protect, support them and lead the family. Additional responsibilities can equally befall them as a result of collapse of services, particularly health services that are close to the combat zones.

The disappearance of these services can affect them personally, but their role of providing care to their children, elderly persons, the handicapped, orphans as well and other members of the family have been added as a result of death or injury, and are greatly felt through the absence of services that are essential to daily life. The women therefore resort to strategies of survival for themselves and their children, and they pay a high price in terms of mental and psychological wellbeing. They assume unusual roles in the management of the communal tasks and transformation brought about by the conflict; a number of them join the armed groups that are fighting.

The women acquire autonomy, but not in terms of power

The women take over new tasks that have been handed over to them alongside accumulated responsibilities within their households and sometimes at the communal level. But usually, these tasks do not automatically modify the power struggles in the political domain or decision making. The women are often absent from the official peace process and then removed from the positions that they filled during the war.

¹ In D.R.C, one of the most remarkable effects of the unstable period that the country witnessed was the change in the role distribution between men and women. That can be illustrated by the fact that today 80% of the households owe their survival to women. The Congolese woman became the main source of subsistence to many families.

Nevertheless in the Great Lakes countries and in the DRC in particular, women have refused to play the role of victims. They have succeeded in organizing themselves around programs that are often ingenious and courageous, are fighting against their marginalization and involve themselves in various initiatives aiming at establishing sustainable peace in the countries under conflicts.

Usually, the women know that if they are excluded from the negotiations and are not contributing to the elaboration of the new governance, they do not take the risk of acting as the promoters of the war. Its procession of misfortunes and sufferings, endured with the hope of a "better society", has let them into a totally disadvantaged position as the former, and the new one can be worse. Thus, women have various reasons to participate in the peace talks; their intentions are to improve life and not simply to watch power sharing, which goes in the manner of distributing rewards, ministries and budget resources. They generally insist on the necessity to remedy social and economic difficulties caused by the war.

Case studies of the Great Lakes countries have shown that feminine leadership at the local and national levels, in partnership with NGOs and the unifying organizations (Mission of the United Nations, International Alert, ...), played a determining role, while giving the women more weight and voice, through the stages of the conflicts. Many activities have been carried out in the field, which demonstrate daily, informal and proximity endeavours realized by the women within their communities in order to succeed in managing and transforming the conflicts.

What is the role of men and women in upholding and reconstructing the DRC?

Gender and leadership in the peace negotiation process in DRC?

To move out of the war, the women decided to forcefully get involved in the conflict resolution by participating actively in various negotiations in order to restore peace in the country. To let their voices heard, they formed a coalition to say NO! to the war, NO! to the aggression of Congo by the country's neighbours, NO! to systematic pillage of

the natural and mineral resources of the country, Yes! to hostility suspension, Yes! to protection of human lives, dialogue between Congolese political and social forces and to peace.

But their participation rate at the negotiations table was weak: 6/68 (be 9%) from Gaborone, 52/320 (be 16%) from Sun City, 24/80 (be 30%) from the informal negotiators of Pretoria and 47/360 (be 13%) from Inter-Congolese Dialogue of Pretoria that coordinated the signatories in December 17th 2002: Global and Inclusive Agreement. This Agreement recommended a suitable representation of women at all posts of responsibilities.

Article 51 of the Transition Constitution obliged the Congolese State to take appropriate measures from every domain, notably the economic, social and cultural, in order to ensure the full participation of women in the development of the Nation. The new constitution in its preamble and articles 5, 14 and 15 set up legitimate bases for all policies of equality and equity of gender in the DRC.

Despite this weak representation, the women have grouped themselves to take common actions and are lobbying so that the objectives of the Dialogue can yield fruits and moreover to adopt a definite position in case of a deadlock. They had equally elaborated a text of responsibilities (a declaration) that was used as a preparatory document at the peace conference, on security and development of the Great Lakes Region.

Nevertheless, it is very necessary to acknowledge that the context in which these negotiating operations are taking place are not all that favourable to women whom having come out of a conflict, remain confronted to acts of violence which are sometimes of a new wave. This is the case with women of the east of the DRC.

Gender and leadership in upholding and reconstructing the DRC

In the peace process and in post transition governments, women as well as men continue to play a leadership role, nevertheless, they still have a long way to go before attaining real equality in decision making at the national level,

for they generally are excluded from being part of political elites in war torn countries. Therefore, their preoccupations are hardly considered at the higher rungs of the state. However, women are active and are taking departmental positions in communities and the civil society.

The role that women are playing in post conflicts reconstruction is also determinant for the restoration of peace and dialogue within the society. Nevertheless, in spite of this field reality and despite the adoption of resolutions and international Conventions signed and ratified by states, notably the Declaration and Action Program of Beijing (Beijing Platform for Action), the Convention on the Elimination of All Forms of Discrimination towards Women (CEDAW), and the Protocol to the African Charter of Human Rights and rights of people in relation to rights of women in Africa that allows everyone to carry out state duties, the obligation to integrate the perspective of gender and equality between men and women in every policy, plan and program. But women are usually always excluded from formal peace negotiations. One of the major remaining challenges is to include women in all the stages of peace process in which their access and participation are limited. The most important thing for women in the conflict situations might have been the adoption of Resolution 1325 of the Security Council of the United Nations on Women, Peace and Security, which enlists the participation of women in peace and conflict resolution in international law.

We agree this does not enough to improve lives of women and men. It is important to equally aim at improving the social position of the women, so that they can benefit from development initiatives in an equitable manner. The two actions move together.

Gender inequalities are social differences characterizing life conditions, statute, functioning and social positions attributed to women and men in given societies. Beyond a simple question of rights, gender equality is an issue of human and sustainable development:

Poverty reduction goes through wealth creation, which also goes through an improvement of

productivity of the majority of the active population. Now, the women represent 53% of the active population but have incomes equivalent to one third of those of the men.

We can attain development objectives only if women, in the same way as the men, have the possibility to fully invest all their capacities, to influence development opportunities wherein they integrated their preoccupations and experiences.

With gender integration / gender mainstreaming one can account for specificities; needs of women and men and favorable or unfavorable positions in order to ensure their access to resources and their full participation in development from the perspective of a more just and democratic society.

Recommendations

- Seek for the rise of a mass movement to fight social acceptance of violence against women
- Promote practices and attitudes in favor of equality of sexes and to a life without violence
- Target the young ones so that they can adopt attitudes and positive practices that influence their peers
- Target the communities so that they can position themselves against violence against women and become a community of equality and social justice; Women can make them to break the silence around violence that they undergo and to mutually support themselves
- Target the decision-makers so that they can set up policies and programs to take care and apply the law in order to sanction perpetrators of sexual violence

2. Theory on Gender, Conflict and Fragile States

Introduction

To date, gender is scarcely included in the debate about conflict and fragile states. This is why a special working group on gender and fragility was formed within the PSDN² framework. The following part discusses several aspects of the relation between the concepts *gender* and *state fragility*, as worded by Prof. Georg Frerks.

Gender and State Fragility

The genesis of the concept fragile states was basically that development in some countries is not working as we are used to, or as it should. There is a number of countries that are labelled fragile states. These are often countries in conflict or post-conflict. About two-third of the current conflicts are re-occurring conflicts.

There are many open questions. Are fragile states organised in a more masculine way? And if so, how does this work for gender relations? The relationship gender and state fragility is under evaluated. If we look at everything that is written by the donor communities then we must conclude they did not research the interconnectedness between fragile states and gender. We know women are more disadvantaged in the situation of fragile contexts. So if donor communities intervene in fragile states, what is the impact of their policies on gender relations?

Fragile state countries are a danger in terms of refugees or extremists; the western world is concerned about fragile states. Maybe donors have other reasons to be interested in fragile states. Some donors are open about this, others

² Georg Frerks chairs a working group within the framework of the Peace Security and Development Network (PSDN). You can find Georg Frerks' powerpoint presentation at PSO's website. The rationale behind the network is that Dutch civil society and the Dutch government should work together on millennium issues, like in this case on gender and fragility. The PSDN is part of the Millennium Agreements infrastructure (prepared in Schokland, The Netherlands), which contributes to the achievement of the Millennium Development Goals.

are not. This could explain why gender is not stressed enough.

Definitions of fragile states

To a large extent the use of specific definitions for fragile states is a political choice of donor organisations working in fragile states. There is no consensus about the definition of fragile states. Some countries don't want to be called fragile states, therefore some donors have dropped to use the term. For example, the World Bank uses the term of *low income countries under stress*. Other terms in circulation are: *collapsed states* or *failed states*. The term fragile states can also be related to other motives that play a role such as interests in mining or water management.

There is no donor or academic consensus on the notion of state fragility and existing definitions compromise different components and therefore result in different lists of fragile states. If we analyse (academic) criteria and indicators for being a fragile state, we can even call The Netherlands or Belgium fragile states.

Another interesting point is that we refer to State as a Weberian state. States that are different from this ideal state are called a fragile state. However no state in the world is a perfect Weberian state.

Interventions from a fragile states perspective

Indicators for fragile states are not used in a preventive way, but only in a retrospective way. There are a number indicators in use: social, economic, and political (see also powerpoint slides). We cannot use these indicators for: "what to do now?", and "how to monitor interventions?", because of their retrospective character. Furthermore, the intervention perspective is weak because of the lack of consensus on definitions and the lack of harmonisation between donors. As a result, donor reports don't agree with each other on what they do want to achieve.

The working group has developed her own 'working definition'.

"Fragile States are those states which have severe social tensions with negative consequences to the population. The economy is

underdeveloped (high levels of poverty) or declining and economic opportunities are unequally divided. The government lacks legitimacy and is incapable or unwilling to deliver basic public services; it lacks the legitimate monopoly on violence and is unable or unwilling to safeguard the rule of law and the protection of human rights”

Gender blind

If there are so many indicators, then where is gender? Why do donors ignore the impact of their policies on gender relations? There has been a study in 2005³, concluding gender had no place in the fragility discourse. In 2009 this study was repeated, and gender awareness started to appear. At least in words. Why was it ignored?

The working group some reasons: DFID works from a notion of *good-enough governance*, meaning, don't make it too difficult. In complicated countries you can only do a few things right. We need to make priorities and do these things right. These are often on security issues. But almost never related to gender inequalities – a controversial issue? USAID for example talks about realistic priorities. Gender fell off board as it is difficult to measure and when it becomes too political.

If you have gender-blind policies, you will have impact on gender inequalities. It is short sighted to think that if you don't do anything on gender it may not negatively impact communities; and gender-blind programmes are without the possibility to steer gender impacts.

In many situations and countries there are very strong gender impacts. In many cases domestic violence is worse in post-conflict than in conflict situations as the conflict moves from the public domain to the private domain. Ex-combatants can be very violent at home. There seems to be a strong link between gender equality, security and peace, according to empirical studies (Caproli). This means that if investments and attainments

can be realised in terms of more gender equality, this will go together with higher levels of (human) security and peace.

Hybrid political orders

A new debate has started – this fragile state concept (with a focus on the Weberian state) is nonsense. As if there is no institution working at all. There are all kinds of institutions working but they are of a different kind: the hybrid political orders.

Some say in these so-called hybrid states we should look more at traditional elements, patron-client systems, early feudal systems. They are also called twilight countries or mediated states. For example when whole sectors of the economy are done by other institutions (health by church in DRC or NGOs in Bolivia). It is not ideal, but it is reality. The risk of these hybrid orders is prevalence of patriarchal cultural, traditional and religious norms and practices, and counteracting an enabling environment for gender equality, women's empowerment and women's rights. The traditional patriarchal order is not easily challenged, whereas states have to go with (inter)national treaties and policies that promote gender equality.

The definition of Boege et.al (2009:17) of hybrid orders says:

“In hybrid political orders, diverse and competing authority structures, sets of rules, logics of order, and claims to power exist, overlap, interact, and intertwine, combining elements of introduced Western models of governance and elements stemming from local indigenous traditions of governance and politics with further influences exerted by the forces of globalization and associated societal fragmentation (in various forms: ethnic, tribal, religious). In this environment, the ‘state’ has no privileged monopolistic position as the only agency providing security, welfare, and representation; it has to share authority, legitimacy and capacity with other institutions”.

³ Baranyi, S. and Powell, K. (2005). *Fragile States, Gender Equality and Aid Effectiveness: A review of Donor Perspectives*. The North-South Institute, Canada.

Recommendations

- Joint working definitions and gender-disaggregated indicators of state fragility can and should be developed.
- It is necessary to study how state fragility impacts on gender relations and produces gendered conflict and violence and how gender inequalities in one domain translate into other domains.
- Donor supported fragile state policies and practices should become more gender sensitive and should consider gender as fundamentally implied in state fragility and not as a side product.
- Fragile state settings may also offer opportunities for gender transformation.
- Hybrid political orders are a better point of departure for policy than models of western statehood that never existed in most fragile state settings.
- Hybrid political orders should be scrutinised on their gender impacts and activities be developed to counteract negative impacts and support women groups.
- A recommendation is to take gender much broader than only women's issues. Security is always taken separate from gender – it should be taken in combination.

3. Legal Instruments on Gender in Fragile States

Interview with Ineke Boerefijn⁴

Quoting from an earlier article by Chaikel, D. (2007)⁵ we read: “since international human rights have only been codified for 60 years, it is easy to understand why violence occurring in the private sphere, like family violence, has not been integrated into this framework”. And also: “Boerefijn argues that by having separate organisations dealing with it, the problem (*issue of violence against women, PSO*) has been effectively sidelined. She believes that for real changes to take place, violence against women must be brought into the mainstream of human rights.”

Mrs. Boerefijn positions herself as an activist academic. That’s why the OPZIJ chair at the centre for Gender and Diversity has been very helpful to profile her missions in the press.

“What is your drive to chase your goals?” interviewer Amma Assante asked Ineke Boerefijn. A very persuasive “Justice” was heard. “Just justice from an inborn view. I grew up in such a conservative area (SGP voters), and I saw how culture and customs affected the position of women”, Boerefijn says.

She argues it is already challenging to fight for gender equality in regular states, let alone in fragile states. She positions her research within the context of pre- and post conflict states. In conflict states there is no or less access to justice for women, and the police is often part of the problem. Law is not functioning.

⁴ Ineke Boerefijn is an activist academic. She is Associate Professor at the Netherlands Institute of Human Rights, which is based at the University of Utrecht’s law faculty. Her research focus is on integrating the issue of violence against women into the international human rights law framework.

⁵ Chaikel, D. (2007). Professor Ineke Boerefijn, an activist academic at the centre for Gender and Diversity. [Online]. <http://crossroadsmag.eu/2007/01/professor-ineke-boerefijn-an-activist-academic-at-the-centre-for-gender-and-diversity/>.

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In fragile or conflict States, there is a breach of human rights – thus women’s rights. Boerefijn recalls that the special rapporteur for human rights in DRC concluded that what she saw there was the worse she had ever seen. One example is the intimate partner violence. People are not prosecuted for their crimes. This increases the violence against women, almost nothing happens to address the violence, according to Boerefijn.

She says that where there is no equality in the constitution or even where legal frameworks are part and parcel of the problem, those who commit the violence should not get away with it!

Boerefijn has examined the relevance of legal reform in post conflict societies. Boerefijn’s main argument is that the unequal position of women is a factor that contributes to the excessive violence during a conflict. In “peace” situations many women are *also* victims of various forms of violence, including harmful traditional practices and domestic violence. The impunity of such violations, due to States’ failure to address violence, contributes to increased violence in conflict situations.

In post-conflict situations therefore, attention should be paid to the underlying causes of violence against women, which lies in women’s position in society as, among others, reflected in inequality in the law. The Sierra Leone Truth and Reconciliation Commission has acknowledged this, and to Boerefijn’s knowledge that is an example that post conflict measures should go beyond addressing violations that have occurred in the conflict and that attention should be paid to underlying causes. The Kachacha tribunal in Rwanda has been successful in raising gender awareness.

We still see discrimination in current law that continues to exist (in the constitution, in family law, no equal position in marriage, custody of children, especially after divorce, ownership of land and property, inheritance). Therefore the consequences of discrimination in the law (in times of “peace” are an *unequal position of women*, being one of the *root causes* of violence against women.

Boerefijn says that a multi-country study has been a real eye-opener to her. Women were asked: "What is for you a legitimate reason to be beaten by your husband?" And to her surprise, women could find reasons: 'Inequality is so ingrained in our societies!' she says. To obey husband and institutions is universal along the world. Women justify her realities, and religions also support that.

How can law contribute to eliminating discrimination, and to address serious human rights violations such as violence against women. What role is there for law - does criminalization help? What is the position of victims of violence? What about redress for violations (compensation, rehabilitation). This could also address the limits of legal instruments, and the need for a comprehensive approach.

In various States different legal systems co-exist. Customary law, sharia and other religious laws often contain provisions that discriminate against women, particularly in the field of family law and law governing personal status. What are States' obligations in this respect, and how can respect for culture, tradition and religion be reconciled with gender equality?

She further examples how customary laws can be very gender unequal. If women marry under customary law, this is often not recognized under civil law. The consequence could be that if she divorces, she has no rights whatsoever to her children and properties that were build up in marriage.

Strategies

How to bridge the gap between desired reality and the reality now? It is crucial to identify the key stakeholders that can exert influence, according to Boerefijn.

Boerefijn says that international instruments are useful. If a State has ratified the Convention on the Elimination of Discrimination Against Women (CEDAW) this means a great impetus for women's participation. Therefore the question is: how can individuals and non-governmental organizations make use of international instruments such as CEDAW? International law connects women's organisations, so they start to

speak the same language. Bridge the gap by using international law!

Women organisations can bring specific cases to courts and try to obtain judgements to specific judgements from judges. This may lead to law reforms (they take more time). See what role there is for courts.

Other strategies are to enhance legal literacy and awareness raising. Training for police, judges, etc. Furthermore, enhance access of women and women's groups to justice (courts).

There are a number of resources too that Boerefijn mentions during the interview. These are:

<http://www.ohchr.org/EN/PublicationsResources/Pages/SpecialIssues.aspx> see below: Rule of law tools for post-conflict states

<http://www.unrol.org/> (new website about rule of law, see http://www.unrol.org/article.aspx?article_id=28 on gender)

http://www2.ohchr.org/english/issues/women/papers_access_to_justice.htm

4. Group work

Workshop 1

Dilemma's and questions raised during this workshop and to be further explored were:

- What do you do when your mandate (working to gender equality in fragile states) does not meet reality?
- What do you do when reality does not meet the donor fashion?

Advice given was:

- Investigate negative consequences of interventions for gender equality (managing risks)
- Involve families and communities, inform communities so that it is clear why an intervention is focused on a particular group
- Link up with other NGO's that are involved in topics which cannot be covered within the project

Workshop 2

Dilemma's and questions raised during this workshop and to be further explored were:

- How to address gender at a meso level through issues that impact gender relations on different levels (division of labour, military issues, reintegration of combatants, reintegration of refugees, and tradition versus modernity.

The discussion further explores several issues. Listen to how partner organisations analyse gender issues. Visions on masculinities and femininities are often based on a western perspective.

Unpacking the concept 'Revising Gender' also means that we have to look at:

- What women can represent to the peace building process.
- Find out what local women need to be recognised and trained as contributors to the peace building process.
- How do governments respond to the issues of gender. Do they create opportunities for ex-male combatants to join the national army, but do they also create opportunities in the rebuilding of

the country for women? Opportunities that can give women recognition.

- Furthermore, a lot of emphasize has been placed on male-female relationships as an indicator of gender in fragile states, but to addressing gender also includes to touch upon gay rights and xenophobia.

It seems hard for donors and International NGO's to listen to their partners with an open mind. They are obstructed by their own frame. The questions they ask to their partners are too abstract. The limited capacity of donors and International NGO's to listen to their partners also has to do with limited resources of these organizations for field visits. The funds they can spend have to be directed to project implementation. The partner and the donor/INGO relations are not equal, and trust is needed to build a long term relationship, which is often not the case.

Each organisation/NGO has their own way of conceptualising gender, their own traditions along geographic lines, and this changes continuously and is not static. This gives opportunities to see how each group appreciates the concept in her reality.

There are different realities and different interpretations, and you need a "translator" that understands both realities. It is advisable to make a joint analysis (donor-local partner), and make together a common language. For the MFS subsidies it is a condition to make a joint analysis – partners can organise similar meeting in DRC to better understand viewpoints. Analysis should be done at three levels: country, partners, donors...

Workshop 3

One dilemma that was explored during group work discussed "post conflict reconstruction" which takes time, versus the feeling to go back-to-normal quickly, in relation to the facts that women soldiers took equal roles as men in the army. You see that after war and ending their army service

- Ex female combatants are not appreciated and rewarded the same way as ex male soldiers (in the public sphere)
- No emancipation takes place in the private sphere

A second issue discussed was the fact that violence against women in post-conflict times is seen as still larger than before. It is advised that strategies to fight violence against women should include women and men as actors of change.

A third issue dealt with a statement that it is important to distinguish political spheres from cultural and daily spheres and the recommendation that the women's movement should lobby for women's rights and women groups should exchange experiences which helps strengthening their messages.

A final dilemma concerned the M&E of changes in gender relations. Why monitor and for whom? It is intensive work. It needs a lot of information. It requires a lot of the capacity. Staff has to be convinced still of the importance of the added value of the work on gender. The gender context is often not clear in proposals. Questions such as how to monitor change if change is less related to quantitative targets but of a qualitative order? It is important to influence donors to see that behavioural changes require different indicators. Sometimes local organisations may have good advice for indicators in this matter.

Two organisations narrated about their M&E experiences; Agriterro uses a profiling instrument using a score on gender which can be used as a reflection tool, and story harvesting and ZOA uses progress markers, i.e. 'do women feel safer going out'?

Other tips were:

- Work on gender should always be in the local context,
- Avoid use of jargon, this isolates the issue,
- Have a multilevel or holistic approach,
- Redefine whatever is a la mode,
- Build up awareness and legal literacy, with women's organisations, what are binding factors,
- Allow women to understand that their experience is unacceptable, not normal.

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http://www2.ohchr.org/english/issues/women/papers_access_to_justice.htm

6. Annex

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