

# PREVENTING CONFLICT TRANSFORMING JUSTICE SECURING THE PEACE

A Global Study on the  
Implementation of United Nations Security Council resolution 1325

The Global Study on 1325 is an effort to identify the gaps and challenges to implementation of resolution 1325 (2000) and the women, peace and security agenda over the last 15 years, as well as an opportunity to identify emerging trends and priorities for action.

The Global Study explores eight critical thematic areas, and looks at key actors in monitoring and accountability for women, peace and security. The Study provides comprehensive and actionable technical recommendations and guidelines, directed at Member States, the United Nations, civil society, media and others, towards full implementation of the wider women, peace and security agenda.

## THE GLOBAL STUDY ON 1325 FACT SHEET: Latin America and the Caribbean Region\*

### WOMEN'S PARTICIPATION

A growing body of evidence shows that women's participation clearly contributes to the conclusion of talks and the implementation and durability of peace agreements.

There has been a substantial increase in gender-responsive language in peace agreements and the number of women, women's groups and gender experts who serve as key actors. Still, in many contexts, women's official participation faces significant obstacles.

Women's involvement in peace processes has a positive effect in pushing for the commencement, resumption or finalization of negotiations, particularly when momentum has stalled or talks have faltered. Furthermore, there is a greater likelihood that an agreement will be implemented when women exert a strong influence on negotiation processes.

Community and local level (or 'track 2') negotiations—where women are often already brokering peace or shoring up communities—are often neglected, in favour of 'track 1' negotiations among key political and military elites who are predominantly male.

#### Key findings:

Women's participation increases the probability of a peace agreement lasting at least two years by 20 per cent, and by 35 per cent the probability of a peace agreement lasting 15 years.

Analysis of 40 peace processes around the globe since the end of the Cold War shows that, in cases where women were able to exercise a strong influence on the negotiation process, there was a much higher chance that an agreement would be reached than when women's groups exercised weak or no influence. In cases of strong influence of women an agreement was almost always reached.

For example, an analysis on the relation between women's influence on peace processes and those processes' outcomes shows that where women had either no or weak influence on peace processes, such as in Colombia (1998-2002), agreements have less chance to be reached or implemented. The same analysis shows that where there women have had a moderate influence, for example in El Salvador (1990-1994) or strong influence, such as Guatemala (1989-1999 and Mexico (Chiapas, 1994-1997) on the processes, agreements are more likely to be reached and implemented.

Globally, peace agreements are 64 per cent less likely to fail when civil society representatives participate, and in 15 of 16 national dialogues examined, decision-making

was left to a small group of male leaders. However, there has been some progress and the coordinated involvement of women's CSOs in the peace processes in Guatemala and Colombia are encouraging.

### **Key recommendations for Member States, the UN and civil society:**

Ensure that all actors, mediators, Groups of Friends and parties to the conflict guarantee that women's participation in talks is equal and meaningful, and barriers to participation are eliminated.

Mediate between women's organizations and dominant national political leaders, including leaders of belligerent parties, to encourage the inclusion of women in their delegations. Member states should also offer negotiating parties various incentives to do this, including training, logistical support or adding delegate seats.

### CASE STUDIES IN PARTICIPATION: Guatemala & Colombia

**Guatemala:** In Guatemala, women's organizations coordinated with the woman representative at the table during peace negotiations there to introduce commitments to classify sexual harassment as a new criminal offence and establish an office for indigenous women's rights.

**Colombia:** When peace talks collapsed in early 2002, women's organizations continued to advocate for political solutions, and to prepare the ground for future negotiations. Women organized national marches to keep their demands for peace in the public eye. They also worked quietly in the regions to address the rising violence: mediating conflicts in their communities, holding direct dialogues with armed groups to release hostages, prevent violence and displacement and much more.

When new rounds of peace talks were launched in Norway in late 2012, all of those seated at the table, with the exception of one Norwegian moderator, were men. In the formal talks, all of the plenipotentiaries and all but one of the up to thirty negotiators on both sides were also men. However, after a year of coordinated mobilization and relentless advocacy by Colombian women, with international support, women made up approximately one-third of the delegates of each side of the ongoing peace talks in Havana, Cuba. Further, at least half of participants in all public consultations about the peace talks were women, and a sub-commission on gender has been established to ensure that a gender perspective is incorporated into the peace process, and that the views of women are included in the negotiations.

Develop and fund a strategy of long-term support to build the capacity of women's networks to engage in political dialogue, strengthen the gender awareness of mediators, facilitators and conflict parties, address practical issues

that may limit women's engagement and protect women activists from potential backlash.

Support women's engagement and participation not just in peace talks, but in preventive diplomacy and the monitoring and implementation of agreements.

## PROTECTING THE RIGHTS OF WOMEN AND GIRLS IN HUMANITARIAN SETTINGS

All actors must address the full range of violations of the rights of women and girls protected by international humanitarian, refugee and human rights law, including, but not limited to, their rights to education, health, land and productive assets, and rights of participation, decision-making and leadership in village or community matters, which are strongly linked to women's security.

Increased attention has been paid to violence against women and girls, particularly sexual violence in conflict, resulting in greater visibility, high-level advocacy, and the development of technical tools. However, too little funding is allocated to programming and services for survivors.

### **Key findings:**

ALL forms of violence against women and girls increase during conflict.

Women are at risk of human trafficking by organized crime; harassment, exploitation and discrimination by landlords and employers; and arbitrary arrest, detention and expulsion by authorities.

In conflict contexts, and particularly within refugee and IDP camps, women and girls suffer from inadequate sanitary conditions and supplies, and reproductive and maternal health services. Over half of the world's maternal deaths occur in conflict-affected and fragile states, and the ten worst performing countries on maternal mortality are all either conflict or post-conflict countries. In these contexts, access to education is also impacted; in conflict-affected areas, girls' net enrolment rate in primary education is 17 points below the global rate.

Girls are often the last fed and first to go hungry in situations of food insecurity. Prioritizing women in food distribution is strongly correlated with greater dietary diversity and, in some cases, a 37 per cent lower prevalence of hunger.

Women in conflict contexts are often at risk of violence on the way to and from food and water distribution points. The inclusion of women in water and infrastructure committees can make women and girls 44 per cent less

likely to walk more than 60 minutes each way to access drinking water.

Currently 27 countries across the world have laws that discriminate against women in their ability to confer nationality to their children. In conflict settings, this contributes to statelessness.

The Global Study found that the overwhelming majority of women and girls chose not to report violence because of the shame or stigma attached, and even more so because of the lack of easily accessible services, means of safe reporting and avenues to receive help.

Gender equality programming contributes operational effectiveness of humanitarian services. However, between 2011 and 2014 less than two per cent of all humanitarian programmes tracked by OCHA had the explicit goal of advancing gender equality or taking targeted action for women and girls. Many humanitarian interventions remain gender-blind and data is collected without disaggregating by sex and age.

Women are often left out of humanitarian planning; women are portrayed as helpless victims and our most urgent interventions to assist women in crisis situations focus on their protection rather their empowerment. The Study points out some notable exceptions, for example in Colombia, women have increasingly left national organizations of displaced people, traditionally dominated by male leadership and oriented towards judicial actions without a gender perspective, and formed their own women's organizations, generally oriented toward economic survival needs.

The Study points out that the existence of independent women's groups is the single most important factor in addressing violence against women and girls. Yet women's organizations continue to be marginalized in the planning and implementation of humanitarian response programming. The Global Study documented that women in conflict-affected settings favour interventions that focus less on perpetrators and deterrence of potential perpetrators, and instead focus more on empowering women and girls, putting them at the frontline of service delivery.

### **Key recommendations for Member States, the UN and civil society:**

Remove discriminatory laws and regulations that impede full equality in accessing basic rights and services during and after conflict.

Expressly mandate that all programmes adopt and apply the Gender Marker and relevant IASC guidance on gender and gender-based violence interventions in humanitarian settings throughout the entire project cycle and require it in all funding applications.

Increase current levels of targeted funding for women's and girls' programming to a minimum of 15 per cent.

Ensure that women affected by humanitarian crises, including refugees, IDPs and stateless women, are supported to participate meaningfully and equally in community decision-making, leadership roles and the design, implementation, monitoring and evaluation of humanitarian interventions, while also addressing obstacles to participation.

## **TOWARD AN ERA OF TRANSFORMATIVE JUSTICE**

Justice must be transformative in nature, addressing not only the singular violation experienced by women, but also the underlying inequalities which render women and girls vulnerable during times of conflict and which inform the consequences of the human rights violations they experience.

The focus on impunity and perpetrators—Demonstrated in positive steps taken by the ICC, national war crimes courts, and the increasing use of commissions of inquiry—must be matched by an equal focus on reparations, services, and redress for victims.

While investment in informal justice systems has increased, ensuring that they deliver equal protection of rights for women and girls, this remains an under-resourced and underserved site of engagement.

### **Key findings:**

Charges for gender based crimes have been brought in six of the nine situations under investigation by the ICC, and in 14 out of 19 cases. However, in the three verdicts issued by the Court so far, there have been no convictions for gender-based crimes

Of the 122 State Parties to the Rome Statute in 2014, 95 had introduced subsequent domestic legislation that addressed violence against women.

Surveys in conflict-affected areas reveal that women tend to be less informed and report lower levels of access to both formal and traditional justice mechanisms than men and report lower levels of access to both formal and traditional justice mechanisms.

Approximately 80 per cent of claims or disputes are resolved by parallel justice systems, indicating that most women in developing countries access justice in a plural legal environment. However, transitional justice mechanisms are often narrow in scope and fail to adequately address structural inequalities and vulnerabilities that disproportionately affect women. For instance, transitional justice mechanisms often ignore women's experiences as secondary or indirect victims of human rights violations, and violations of economic, social and cultural rights predominantly experienced by women.

## CASE STUDIES IN TRANSFORMATIVE JUSTICE: Guatemala, Colombia & Peru

Evidence suggests that increasing the number of women judges and other front line justice sector officials can create more conducive environments for women in court proceedings and make a difference to outcomes in sexual violence cases.

Reparations, can be an effective transitional justice mechanism in post-conflict societies, however, they remain the least implemented and funded post-conflict justice mechanism. Too few reparations programmes target or address the full range of violations women experience during conflicts. One notable exception found in the Study is in Colombia: Colombia's Victims Law includes restitution of land to those who have arbitrarily lost it or have been displaced as a result of the internal armed conflict. The Law's provisions include special measures to protect women's rights, such as giving priority to female heads of households in judicial and administrative processes, providing for specialized attention for women in the processing of requests for restitution, and priority access to other benefits such as credit, education, training and subsidies. The linking of the reparations processes with land and property reform is one element of a transformative approach to reparations.

### **Key recommendations for Member States, the UN and civil society:**

Adopt a transformative justice approach to programming for women's access to justice. This includes developing interventions to challenge underlying socio-cultural norms and contexts of inequality that perpetuate discrimination against women, and enable and normalize conflict-related violations.

Ensure that accountability mechanisms mandated to prevent and respond to extremist violence have the necessary gender expertise to do so, in light of the escalating rate of deliberate attacks by violent extremist groups on women's rights, including SGBV.

Invest in strengthening national justice systems to investigate and prosecute international crimes, including SGBV.

Institute specific measures to ensure the active participation of women and civil society organizations in the design, implementation, monitoring and evaluation of transitional justice mechanisms.

Collaborate on the design and implementation of legal empowerment initiatives that build women's confidence and access to legal systems, and enable women to be active participants in navigating them.

**Guatemala:** As international law has evolved, there has been progress in the domestic prosecution of sexual violence as an international crime. During the armed conflict in Guatemala, indigenous women from the village Sepur Zarco were victims of sexual and domestic slavery for five years, held in a military detachment. In 2011, women from Sepur Zarco, with the support of two Guatemalan women's rights organizations, filed the first ever legal complaint in the Guatemalan justice system for sexual violence crimes committed during that country's conflict, in a case that highlights the army's use of rape as a weapon of war and of genocide.

**Colombia:** Colombian courts are also increasingly using international jurisprudence in national sexual violence cases. For example, Clodomiro and César Niño Balaguera were both former paramilitary members accused of abducting, raping and torturing a woman. In November 2014, the Criminal Chamber of the Supreme Court overturned a ruling from a lower court that had failed to find that the rape charge amounted to a war crime. In finding that the rape was closely related to the conflict, and thus amounted to a war crime, the Chamber relied extensively on decisions of the ICTY, among other sources. It convicted both accused for this crime and increased their sentences.

**Peru:** Truth commissions have valuable potential for transforming gender relations post-conflict. The Peruvian Truth and Reconciliation Commission (Comisión de la Verdad y Reconciliación) (2001-2003) was the first in which sexual violence was fully acknowledged, and a commitment was made to mainstream gender into proceedings overseen by a special gender unit.

## KEEPING THE PEACE IN AN INCREASINGLY MILITARIZED WORLD

Women's presence in the security sector has been found to significantly lower rates of complaints of misconduct, rates of improper use of force, and inappropriate use of weapons. The Study shows that women in peacekeeping operations enhances force credibility, enables access to communities and vital information, and leads to an increase in reporting of sexual and gender based crimes.

Many security actors have introduced a range of actions to mainstream gender. However, these efforts have not yet led to impactful transformations in military structures and military cultures, beyond greater awareness of the importance of gender and the emergence of professional gender advisors embedded in military institutions.

A gender perspective is much more evident in all aspects of peacekeeping of operations today. However, these efforts are ad hoc and remain limited in scope and scale, constrained by under-resourcing within peacekeeping budgets, and entrenched gender inequality in mission contexts.

Incidences of sexual exploitation and abuse continue to be a cause for concern among both the international community and communities where peacekeepers are deployed. It is crucial that the UN take more decisive action to address this issue once and for all.

### Key findings:

Over the last two decades, a growing number of countries have increased the percentage of women in their armed forces. For example, in Argentina, measures have been adopted to recruit and retain women in all branches of the armed forces, women now make up 14.2 per cent of the Army, 16.4 per cent of the Navy, and 22.6 per cent of the Air Force, or 16.2 per cent across the entire force.

On average, only three per cent of the military in UN missions are women, and the majority of these are employed as support staff. This number has not changed since 2011, and has changed little from the one per cent of women peacekeepers in 1993. Uruguay is a notable exception: it is the 20th largest contributor of troops to UN missions, and its troops constitute 7.2 per cent of female representation.

There are almost 7,000 international civilian staff in field missions, and less than 30 per cent are women (and only 20 per cent in senior management positions). Women make up only 17 per cent among national staff, which make up an even larger share of the workforce in missions.

Women's participation in the police component of UN Peacekeeping missions is also critical to enabling women to report sexual and gender-based violence and train local police forces to respond to these crimes. For example, in Haiti, Norwegian, Canadian, and Francophone African policewomen have been training, mentoring and accompanying the Haitian National Police to respond to cases of domestic violence and sexual abuse.

Out of a total of 33 benchmarks adopted by five peacekeeping missions, none specifically referred to gender-specific issues or gender equality. Out of 105 indicators attached to these benchmarks, only five refer to gender issues, and of these most relate to sexual violence.

### Key recommendations for Member States, the UN and civil society:

Set specific targets for the improved recruitment, retention and promotion of women in armed forces and in the leadership of security institutions.

Ensure that every soldier deployed is thoroughly vetted, trained and held accountable for their actions, including when they abuse or exploit women and girls.

Commit to doctrines and planning that takes into account the impact on women and girls of every military deployment and operation, and that considers the use of unarmed military protection as a preferable or complementary protection method.

## BUILDING INCLUSIVE AND PEACEFUL SOCIETIES IN THE AFTERMATH OF CONFLICT

In the aftermath of conflict, violence against women often increases, underlining the importance of rebuilding rule of law institutions.

Experience and evidence show that women are more likely to spend their incomes on family needs including health care and education, thus making a proportionately larger contribution to post-conflict social recovery.

Since the adoption of resolution 1325, women's participation in national level governance bodies in post-conflict countries has increased, often as a result of temporary special measures. However, more investment is needed to achieve gender parity in local governance structures, as well as in the design, monitoring and evaluation of public service programs.

### Key findings:

Conflict-affected communities that experienced the most rapid economic recovery and poverty reduction are those

that had more women reporting higher levels of empowerment.

Evidence shows women's participation in high numbers in the front line of service delivery—whether as polling agents, police officers, registration officials, judges, court clerks, teachers, medical attendants, or agricultural extension agents—leads to better quality services for both men and women.

Data from 39 countries shows a positive correlation between the proportion of female police and reporting rates of sexual assault.

The percentage of benefits from temporary employment activities received by women has risen to 35 per cent in recent years. The target of the Secretary-General's seven-point action plan on gender-responsive peacebuilding is 40 per cent.

By July 2015, in conflict and post-conflict countries with legislated electoral quotas, women represented almost 23 per cent of parliamentarians, compared to 15 per cent in countries without quotas).

The percentage of women entering DDR programmes has increased significantly, but there is no data on the proportion of benefits received by women and no data on the differences on quality and coverage of benefits.

#### **Key recommendations for Member States, the UN and civil society:**

Ensure that all local level peacebuilding efforts are preceded by mapping exercises to ascertain which programmes are relevant for communities affected by war, and which will most effectively empower women. There should not be a one size fits all policy.

Design, implement and monitor economic recovery programmes and macroeconomic policies in a gender-responsive manner, and evaluate them for their impact on women's economic security.

Adopt legislative and policy measures to eliminate discrimination against women in political and public life and to ensure that women have equal opportunities to participate in post-conflict structures of governance.

Provide women and girls with identity documents as a matter of priority during and after conflict, in order to register to vote, access land and claim social services and benefits.

Adopt service delivery measures that specifically target women and take into account the often disproportionate burden that women face in caregiving responsibilities.

Provide leadership capacity-building opportunities for national and local women leaders.

## PREVENTING CONFLICT

The women, peace and security agenda is about ending conflict, not about making conflict safer for women. However, in the push to implement 1325, some of the key demands of women's movements—reducing military spending, controlling arms, promoting non-violent conflict resolution and fostering a culture of peace—have been left out.

States where there are lower levels of gender inequality are less likely to resort to the use of force. Greater recognition of the influence of gender norms, relations and inequalities on the potential for the eruption of conflict is required.

Prevention requires short-term approaches, which includes women's participation and gender indicators in early warning systems, and longer-term approaches to address the structural causes of conflict, including inequality, and addressing new sources of conflict, like climate change and natural resources extraction.

#### **Key findings:**

In 2014, violence had a global cost of 13.4 per cent of world GDP—USD 14.3 trillion. In 2014, the world's global military spending was estimated at USD 1.8 trillion, some 2.4 per cent of global GDP. There was a notably sharp increase in 2014 in the number of States with a military expenditure of more than 4 per cent of their GDP over their 2005 rates.

The value of the global trade in small arms and light weapons almost doubled between 2001 and 2011, from USD 2.38 billion to USD 4.63 billion.

These dramatic increases in military spending and small arms trade stand in stark contrast with global spending on public education, which amounts to 4.6 per cent of global GDP. This contributes to increased militarism and cultures of militarized masculinities, which create and sustain political decision-making where resorting to the use of force becomes a normalized mode for dispute resolution, as seen in the 'war on drugs' in Latin America. Meanwhile, massive funding gaps remain on broad human security needs and measures, particularly women's and girls' empowerment, reproductive health and rights, health and education.

Recent large-scale research projects show that the security of women is one of the most reliable indicators of the peacefulness of a state.

In the aftermath of conflict, as state institutions and regulations are being established and conflict-related weapons remain in wide circulation, there is fertile ground for organized crime to take root, with women often the targets of criminal activity. In Latin America, respondents

to a survey of civil society organizations for the Global Study designated organized crime as the most pressing emerging issue for women, peace and security in the region.

An assessment of UNDP's Peace and Development Advisors, working on crisis prevention in fragile countries, showed that women fill only 6 out of 34 posts.

### CASE STUDIES IN CONFLICT PREVENTION: Girls and Gangs in Latin America

1325 in non-conflict/post-conflict, insecure settings. In these three countries, women and girls experience astonishing rates of lethal and non-lethal violence, primarily as a result of competition between organized crime groups and gangs for control of illicit drug markets. Their daily lives are marked by the same levels of insecurity and violence experienced by their counterparts elsewhere, who are living in situations of armed conflict. Youth gangs have emerged as a recent phenomenon, largely driven by deep socio-economic inequalities, a root cause of the armed conflicts in Central America. At a consultation for the Global Study held in El Salvador, participants stressed how gangs specifically targeted young women, severely curtailing their rights to freedom and integrity.

Research on youth gangs in Central America has begun to reveal the complex roles women and girls play in relation to gangs, including their agency as members and collaborators, and not just victims of violence, while also noting the horrific abuse they endure as initiates and members of these groups. Female participation in gangs highlights the links between conflict, criminal activity, gender-related economic and social exclusion, and sexual and gender-based violence. Understanding these links is essential to making resolution 1325 operational across a range of contexts such as organized crime and gang violence.

Despite the unfamiliar challenges of applying resolution 1325 in these contexts, there are a number of clear opportunities. For example, governments can work with national and international women's organizations to develop and revise National Action Plans to implement resolution 1325 that are context-specific and in line with the UN Convention against Organized Transnational Crime, including its additional protocols on human trafficking and smuggling.

### Key recommendations for Member States, the UN and civil society:

Meet all Sustainable Development Goals, including goal 5 on gender equality, goal 10 on reducing inequalities within and among countries and goal 16 on peaceful inclusive societies.

Adopt gender-responsive budgeting practices, including through consultation with civil society, as a strategy to address, highlight and mitigate militarized state budgets and their destabilizing impact on international peace and security and women's rights.

Provide financial, technical and political support to encourage educational and leadership training for men, women, boys and girls, that reinforces and supports non-violent, non-militarized expressions of masculinity.

Include women's participation, gender-responsive indicators and sexual and gender-based violence related indicators in all early-warning processes, conflict prevention and early-response efforts, with links to official channels for response at the local, national, regional and international level.

## COUNTERING VIOLENT EXTREMISM (CVE)

Across regions, a common thread shared by extremist groups is that in every instance their advance has been coupled with attacks on the rights of women and girls—rights to education, participation in public life, and autonomous decision-making over their own bodies.

Counter-terrorism and CVE overlook the spectrum of roles that women play in both preventing and participating in violent extremism. The women peace and security agenda provides a framework for a demilitarized and preventive response to terrorism and violent extremism, and several recent international mandates acknowledge this correlation.

Women's rights are an end in themselves: The risk of co-opting and instrumentalizing women's rights is high. Where women's advocacy becomes too closely associated with a government's counter-terrorism agenda, the risk of backlash against women's rights defenders, in often already volatile environments, increases.

Women are also impacted by counter-terrorism tactics: securitization can increase women's insecurity and stricter banking procedures and donor policies can negatively impact women's organizations. As such, women are 'squeezed' between terrorism and counter-terrorist responses.

### **Key recommendations for Member States, the UN and civil society:**

Protect women's and girls' rights at all times and ensure that efforts and strategies to counter violent extremism do not stereotype, instrumentalize or securitize women and girls.

Build the capacity of women and girls, including mothers, female community and religious leaders and women's civil society groups, to engage in efforts to counter violent extremism in a manner tailored to local contexts.

Ensure gender-sensitive monitoring and evaluation of all counter-terrorism and countering violent extremism interventions through the use of gender-related indicators and the collection of sex-disaggregated data. Evaluations should specifically explore the impact counter-terrorism and CVE interventions have on women and girls.

*\*UN Women works directly in Barbados, Bolivia, Brazil, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay and Uruguay.*