



WhatWorks

TO PREVENT VIOLENCE

Violence Against Women and Girls  
in Conflict and Humanitarian Crises

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# Intersections of violence against women and girls with state-building and peace-building:

Lessons from Nepal, Sierra  
Leone and South Sudan

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Cover image: Josh Estey/CARE

The photos in this report do not represent women and girls who themselves have been affected by gender-based violence nor who accessed services.

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# Acronyms

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All People's Congress	APC
Armed Forces Revolutionary Council	AFRC
Communist Party of Nepal (Maoist)	CPN (M)
Comprehensive Peace Agreement	CPA
Convention on the Elimination of All Forms of Discrimination Against Women	CEDAW
Conflict-related sexual violence	CRSV
Department for International Development	DFID
Economic Community of West African States Monitoring Group	ECOMOG
Female genital mutilation	FGM
Gender-based violence	GBV
Gender equality and social inclusion	GESI
Global Women's Institute	GWI
International Rescue Committee	IRC
Intimate partner violence	IPV
National action plan	NAP
National Patriotic Front for Liberia	NPFL
Non-governmental organisation	NGO
People's Liberation Army	PLA
Republic of South Sudan	RSS
Revolutionary United Front	RUF
Sierra Leone Army	SLA
Seven Party Alliance	SPA
Sexual exploitation and abuse	SEA
Sierra Leone People's Party	SLPP
State-building and peace-building	SBPB
Sudanese People's Liberation Army	SPLA
Sudanese People's Liberation Movement	SPLM
United Nations	UN
Vesico-vaginal fistula	VVF
Violence against women and girls	VAWG

# Executive summary

## Background

The United Nations (UN) has long highlighted the importance of addressing women's rights concerns in relation to armed conflict and state-building and peace-building (SBPB) efforts. However, the gendered nature of SBPB processes are often overlooked, despite the ways in which gender power relations are present in and can affect the success or failure of SBPB (Strickland and Duvvury, 2003).

Calls for the inclusion of women in peace processes have prompted a burgeoning response. This has included the adoption of related global policy instruments and international and local actors utilising humanitarian and post-conflict programming to provide services for the survivors of violence against women and girls (VAWG). At the same time, a focus on securing stability and peace in the aftermath of armed conflicts has prompted a range of global policy initiatives. Key parties involved in this work have been international governments and the UN system and its partners.

It is evident that international and national approaches to prevent and respond to VAWG and SBPB processes often exist in parallel to one another; however, evidence shows that state-centric SBPB strategies consistently neglect issues of gender equality and VAWG (Castilejo, 2012; Handrahan, 2004; Zuckerman & Greenberg, 2004). This study aims to contribute a new set of evidence and an analysis of the intersections between VAWG and SBPB. It's hoped these will inform future conflict and post-conflict SBPB to ensure they are more effective at addressing VAWG, and particularly forms of VAWG that act as barriers to peace and stability.

## The research questions

This study has been conducted as part of the *What Works to What Works to Prevent VAWG in Conflict and Humanitarian Crises* programme. It is funded by the UK government and focuses on two overarching research questions:

- 1) How have programmes and policies to prevent and respond to VAWG been integrated and addressed within post-conflict state-building policy and programming?
- 2) In a conflict-affected country, how is VAWG related to efforts to achieve peace and stability?

## A conceptual framework linking state-building and peace-building and violence against women and girls

In order to frame the research, two overarching analytical models were developed. First, an ecological model examining the risk factors related to VAWG in conflict settings. An analytical framework is often used in social and epidemiological research to understand multiple, interconnected levels of risks that contribute to health outcomes, for example, risks encountered at a societal, community and individual level. The new framework brings together the knowledge base from existing literature (both empirical and theoretical) of posited drivers of VAWG within and outside times of armed conflict. These drivers include endemic factors that lead to VAWG during conflict and peacetime, and drivers identified as distinctive to or associated with conflict.

After this ecological model was developed, a further analytical model was created to bring together the divergent academic and practitioner spheres of VAWG and SBPB. This features:

- causal drivers of VAWG, including those specifically related to conflict and post-conflict dynamics
- critical components of state-building processes, and where and how VAWG might be addressed
- critical components of peace-building processes, and where and how VAWG might be addressed.

The analytical framework attempts to address the way SBPB strategies may affect VAWG and how VAWG may cause continued conflict and fragility. The framework draws on the Department for International Development's (DFID) Integrated Building Peaceful States and Societies model (DFID and UK Aid, 2016) as an overarching conceptual basis.

## Case study development

The study aims to identify and explore the linkages and interconnections between VAWG and SBPB processes in different contexts and draw lessons from best practices and gaps. To achieve this, case studies were developed for South Sudan, Nepal and Sierra Leone. These countries were selected to ensure a breadth of experiences in terms of the nature of the conflict and patterns of violence, experiences of VAWG, geographic diversity (spanning West Africa, East Africa and Asia), length of time since the conflict ended, and progress in SBPB.

These case studies utilise the analytical framework as a conceptual basis for understanding connections between SBPB and VAWG. Following the completion of a country level literature review, primary data was collected. This involved interviews and focus group discussions with informants from key stakeholder groups, including representatives from non-governmental organisations (NGOs), the United Nations (UN), the government and civil society. The findings of the three case studies were analysed and compared for common themes and trends. These were then organised according to the SBPB and VAWG analytical framework previously developed and key findings from each case study consolidated in this report.

## Overall summary findings

**1** Rates of violence against women and girls, including forms of violence not traditionally considered conflict-related, are high during and after periods of conflict. This violence has lasting effects on the lives of women and girls.

Women and girls in all three contexts deal with violence in their everyday lives, both during and after periods of conflict. This violence has long-lasting effects on their lives. However, in all three contexts, conflict-related sexual violence (CRSV) makes up only a small fraction of the violence being experienced by women and girls. In comparison, there are higher levels of endemic violence, such as intimate partner violence (IPV). This indicates that VAWG has not been sufficiently integral to SBPB processes in any of the case study contexts.

**2** Violence against women and girls and conflict can have many common drivers. In some settings, VAWG may be a driver of further militarised violence and/or have an impact ongoing state fragility.

At its core, VAWG is a product of unequal gender dynamics and patriarchal practices, and is a manifestation of unequal power between men and women. Beyond this root cause of violence, recent research has identified a number of additional indirect drivers that appear to be affecting rates of violence, and particularly violence within homes during times of conflict (The Global Women's Institute and International Rescue Committee, 2017).

VAWG and wider militarised violence often have common drivers. These interconnections make it imperative to consider VAWG when addressing wider conflict dynamics, and acknowledge the effect wider conflict can have on rates of VAWG. These interconnections also demonstrate that violence, whether carried out in public or private spaces, needs to be understood holistically. Subsequently, if the drivers of VAWG are addressed, there is potential that this could help to address wider conflicts within and between communities.

**3** Patriarchal norms and violence can affect the prioritisation of programmes and policies to prevent and address violence against women and girls in post-conflict settings.

Unequal, harmful and patriarchal norms and practices were found to be commonplace prior to, during and in the aftermath of conflict in all three case study settings. However, SBPB efforts rarely explicitly acknowledge or effectively work to reduce these underlying disparities, limiting their ability to address and reduce VAWG in the post-conflict period. SBPB processes occur during major societal transformations, such as moving from a conflict state to peace. This provides an opportunity for new and more equal structures to be built. When women do not participate in SBPB processes, a significant opportunity is lost to create new structures that can challenge inequalities and violence perpetrated by men and create societies free from VAWG.

**4** Women are frequently excluded, or not included in substantive ways, in conflict resolution mechanisms and peace processes. This contributes to a lack of acknowledgement of/emphasis on VAWG during state-building and peace-building processes.

Women's movements who work to end VAWG and reform laws and policies to increase protection from VAWG are essential actors in conflict and post-conflict contexts. They also are key proponents for women's meaningful participation in peace processes and equal representation in newly reformed governments. However, they are often marginalised from larger SBPB processes or only participate as 'token' representatives.

In all three case study countries, women were frequently excluded from or not able to participate in substantive ways in the negotiation of peace agreements and wider peace-building efforts. While having women at the negotiating table does not guarantee the inclusion of provisions for addressing VAWG, the evidence collected in this study suggests that excluding women from the process contributes to gender-blind peace agreements and processes that don't address the concerns of women and girls.

**5** Despite efforts to move on from the descriptors of 'conflict-affected' and 'post-conflict', conflict-related VAWG is often not sufficiently addressed in state-building and peace-building efforts. This leaves a lasting legacy of harm for women and girls who do not receive justice or reparations.

Efforts to develop transitional justice mechanisms and reparations for conflict-related violence are often the most prominent aspects of VAWG efforts within existing SBPB process and have achieved some notable successes. However, in all three contexts there remain significant challenges in implementing these justice mechanisms and delivering promised reparations.

**6** The post-conflict period provides an opportunity to advance policy and legal frameworks addressing VAWG.

Each case study country has ratified significant global frameworks that address gender equality, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). They have also developed national action plans (NAPs) on women, peace and security, and Sierra Leone and Nepal have developed NAPs on gender-based violence (GBV).

Significant legal and policy advancement in each country came after the cessation of hostilities. This suggests that the post-conflict period is a moment where considerable legal and policy progress can be made on VAWG through peace and state-building processes.

**7** Service delivery to address and reduce violence against women and girls is insufficient in post-conflict contexts, reducing trust in and legitimacy of state structures meant to provide services.

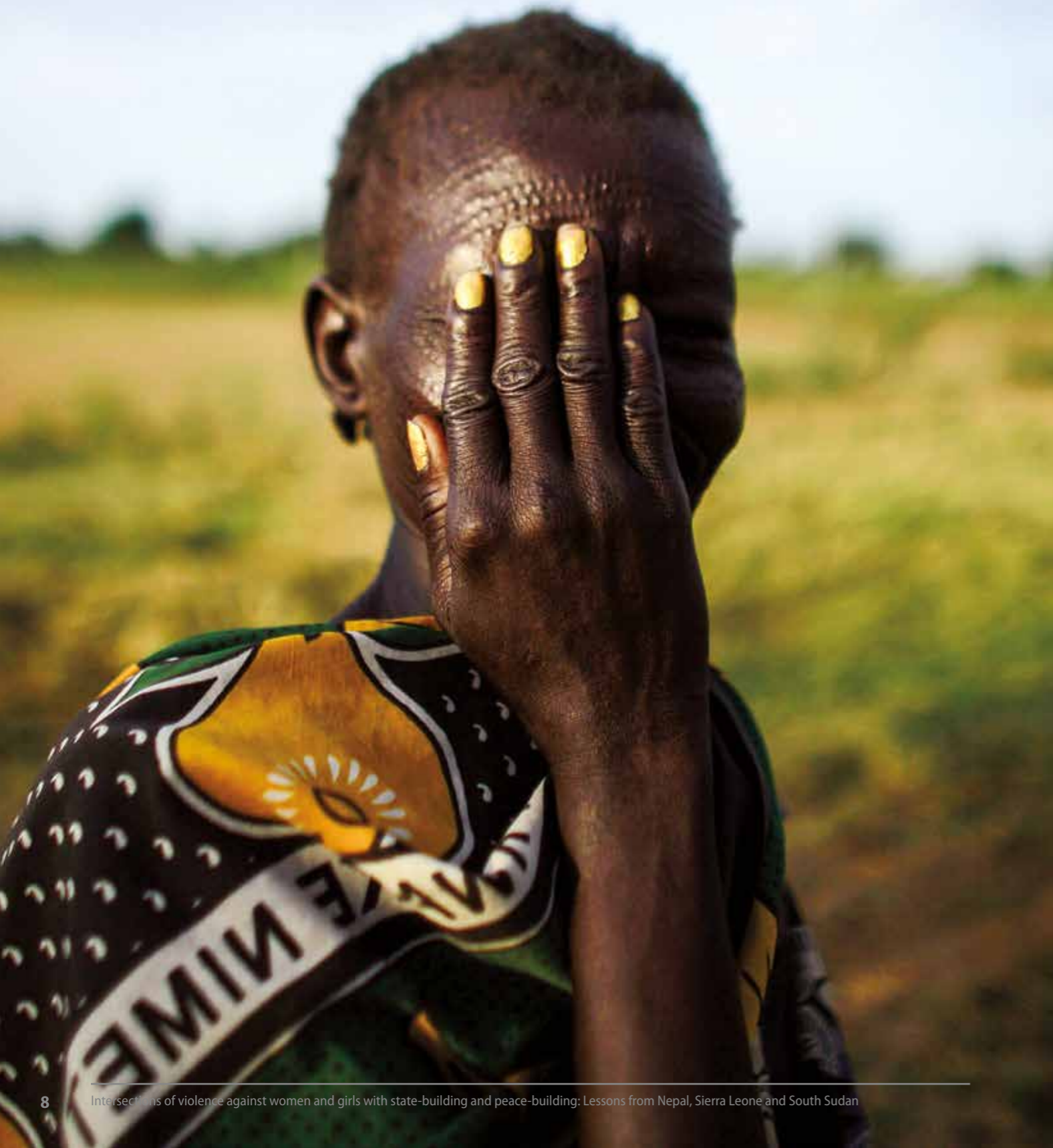
Overall, this study's research found considerable disconnects between the policies adopted at national levels and the realities on the ground, where a lack of prioritisation for the prevention of and response to VAWG was reflected in limited service delivery. Each country has a Ministry of Gender (or local equivalent); however, these bodies are under-funded and under-prioritised within the scope of the government. Efforts to prevent and respond to VAWG in other sectors (health, legal, security, etc.) have also been mixed. Although change at policy level has been impressive in each context, it has not translated into real change for women and girl survivors or led to a decrease in violence.

**8** The work of women's rights organisations is essential for the prioritisation of efforts to prevent and respond to violence against women and girls in state-building and peace-building contexts.

Women's rights organisations in each of the three case study countries have had an impact on improving government policy and programmes. However, in all three contexts there still remains a vast gulf between educated elite women in population centres and rural women and girls. NGOs and civil society are also providing leadership on coordination and policy at a national level, and filling gaps where ministries are weak and do not have the capacity to respond. This use of NGO/civil society to replace the service provision mandate of ministries is not a sustainable response to real budgetary and capacity issues faced by national and local ministries.

**9** Continued fragility and cycles of conflict continue to affect nominally 'post-conflict' contexts and the consistency and quality of programmes to address violence against women and girls and support services for survivors.

The fragile nature of many of these conflict and post-conflict governments limits the ability of the state to provide consistent care during periods of crisis. This research found that, in most contexts, there are specific gendered impacts of new 'shocks' and that services for VAWG are some of the first to be halted during these periods. These shocks include new conflicts, natural disasters or other forms of emergencies, such as outbreaks of disease.



## Conclusions and recommendations

- 1 SBPB processes must consistently apply a gendered lens throughout the analysis of a conflict, the planning and implementation of SBPB initiatives, and the monitoring of the impact of these initiatives. This will help complex linkages between conflict, gender inequality and VAWG to be understood and addressed as core parts of broader SBPB processes.
- 2 VAWG prevention efforts, such as the transformation of social norms and working with men and boys, should address VAWG holistically and not just CRSV. This will recognise that VAWG during conflict and post-conflict is inherently linked to the discriminatory and patriarchal contexts that pre-date the conflict and endure in its aftermath.
- 3 National and international actors should engage with political processes and actions that seek to prevent and respond to VAWG and are based on rigorous research and evidence. They should work to reduce political and other barriers preventing decision-making based on evidence.
- 4 Transitional justice provision should be more timely and transparent, including clarity around how it will specifically address VAWG. Appropriate and responsive forms of justice that are accessible to women and girls who need to access legal systems in remote areas should be prioritised.
- 5 Donors and national governments should take longer-term and more coordinated approaches to ensuring that a comprehensive focus on VAWG is included in SBPB processes. This includes the integration of VAWG response services into state-run processes and the participation of women throughout SBPB.
- 6 As part of multi-level approaches to SBPB (partly led by government, civil society and the international community), post-conflict states, supported by international partners, should help to provide more services to effectively prevent and respond to VAWG. Specific support to promote governmental leadership on these issues is also required.
- 7 Conflict and post-conflict periods can be cyclical in nature; continued shocks and changes in governmental structures in post-conflict periods may lead to reductions in service provision for VAWG. This should be acknowledged and included during SBPB planning and approaches.
- 8 Institutions that work on women's rights (government and civil society) play a significant role in the efforts to eliminate VAWG and the advancement of more peaceful societies. Efforts to build their capacity should be prioritised and opportunities to engage in SBPB initiatives should be supported.
- 9 Women and girls need to be empowered and supported to attain decision-making positions in governments, both at national and local levels. In addition, more training for policymakers is needed to make political systems less patriarchal and reduce the political violence against women who are in positions of power.



## Background

### Violence against women and girls in conflict and post-conflict settings

Over the last two decades, there has been increasing recognition that women and girls experience violence during times of armed conflict. This understanding is supported by a growing evidence base on the prevalence and characteristics of this violence in conflict and post-conflict settings.

During conflict and post-conflict, violence against women and girls (VAWG) is experienced in many different forms, which can vary across differing contexts and fluctuate with the intensity of the conflict (The Global Women's Institute and the International Rescue Committee, 2017; Stark and Ager, 2011; Wood, 2009; Wood, 2006; Swaine, 2015). In many armed conflicts, the international community and media focus heavily on conflict-related sexual violence (CRSV), and particularly 'strategic rape' that's employed as a tactic of war. This creates the impression that strategic rape is the most prominent and serious form of VAWG that affects women and girls (Swaine, 2015). However, a growing number of researchers, policymakers and practitioners are challenging this perception. They view CRSV as only one form of VAWG that needs to be addressed during conflict, and are encouraging a more expansive view of conflict-related VAWG (Swaine, 2015; CPC Learning Network, 2009; Stark and Ager, 2011; The Global Women's Institute and the International Rescue Committee, 2017).

International and national non-governmental organisations (NGOs), as well as United Nations (UN) agencies, have increasingly set up programmes that aim to prevent and respond to VAWG in conflict-affected countries. In particular, these programmes have been set up in response to the 2015 'Call to Action on Protection from Gender-based Violence in Emergencies'. This multi-stakeholder initiative aims to motivate the humanitarian community to prioritise and improve gender-based violence (GBV) programming in emergencies, strengthen accountability and promote collective action (International Rescue Committee, 2017).

While rape employed as a deliberate tactic of armed groups is a significant problem during armed conflict, it is not the only form of sexual violence affecting women and girls. In many cases, conflict may also be an indirect driver of sexual violence, with opportunistic rape occurring due to increased criminality, the breakdown of the rule of law, and weak leadership and control of armed groups. (The Global Women's Institute and the International Rescue Committee, 2017; Wood, 2006; Wood, 2009). In addition, members of the humanitarian community may be perpetrators of sexual exploitation and abuse (SEA) in these contexts. They may utilise their power to force members of affected communities to engage in sexual acts to access goods or services (United Nations General Assembly, 2002; Zicherman, 2006).

### Box 1: Key international policy documents and processes related to VAWG

- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**  
This 1979 resolution entered into force in 1981 and highlights the rights of women and girls, and the equal rights of men and women.
- **The Nairobi Forward-looking Strategies for the Advancement of Women**  
This 1985 agreement stemmed from the UN World Conference on Women and provides strategies for action to advance the status of women in international economic, social, cultural and legal development.
- **UN Declaration on the Elimination of Violence Against Women**  
This 1993 UN declaration notes VAWG as an obstacle to the achievement of equality, development and peace, as well as the full implementation of CEDAW. It also recognises VAWG as physical, sexual or psychological violence and other forms of violence such as female genital mutilation, other traditional practices and trafficking.
- **Beijing Declaration and Platform for Action**  
Stemming from the fourth World Conference on Women in 1995, these documents re-affirmed the international community's commitment to women's rights and empowerment, and noted the goal of preventing and eliminating all forms of VAWG.
- **Women, peace and security agenda (WPS)**  
A compilation of seven UN Security Council resolutions (1325, 1820, 1888, 1889, 1960, 2106, 2122, 2242) that aim to ensure women's participation in peace-building processes and reduce VAWG in conflict situations. Notably, UNSCR 1325 addressed the disproportionate impact of armed conflict on women and highlighted the importance of the contributions of women to peace-building; while UNSCR 1820 recognised sexual violence as a weapon and tactic of war which could be classified as a war crime, crime against humanity or a constitutive act with respect to genocide.  
  
The further resolutions (1888, 1889, 1960, 2122 and 2242) deepen and expand on these themes. This includes highlighting the need to strengthen links between the United Nations' peace and security, human rights and development work to address the root causes of armed conflict and threats to the security of women and girls (UNSCR 2122).

War and conflict exacerbate the vulnerabilities of women and girls, increasing their risk of experiencing other forms of VAWG such as intimate partner violence (IPV) and forced marriage. War and conflict also decreases their ability to access support services and intensifies the hugely negative aspects of the VAWG they experience (The Global Women's Institute and the International Rescue Committee, 2017; International Rescue Committee, 2015). The impact of conflict and VAWG experienced during conflict also have a continued effect on women and girls, even after a transition to peace (Jewkes et al., 2017).

Women and girls experience violence due to the patriarchal norms and unequal power dynamics that exist before and during conflict, and which remain after conflict ends. The impact of VAWG is intensified because of the poverty and economic insecurity, increased levels of violent crime, weakened rule of law and political unrest experienced during conflict (The Global Women's Institute and the International Rescue Committee, 2017; Swaine, 2018). In addition, women and girls in conflict and post-conflict situations may be less able to access educational or employment opportunities because of the instability and displacement they experience.

Given this, it should not be a surprise that a growing evidence base is revealing that the greatest threat of violence for women during conflict and in its aftermath comes from within their own homes (The Global Women's Institute and the International Rescue Committee, 2017; Stark and Ager, 2011).



### State-building and peace-building processes

While they are closely aligned, state-building and peace-building are not interchangeable concepts or processes (Wolff, 2011). Peace-building is inherently defined in response to conflict and conceptualised in relation to conflict and post-conflict contexts. It directly addresses identified root causes, triggers and consequences of conflict with the explicit aims of resolving ongoing conflict and preventing future conflict.

The UN defines peace-building as "a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development" (United Nations Department of Peacekeeping Operations, 2010).

However, feminist critiques of peace-building approaches have noted that these processes are often gender-neutral and do not take into account the high levels of gender disparity and other overlapping inequalities common in conflict and post-conflict settings (Strickland and Duvvury, 2003). Based on these critiques, feminist literature takes a broader view of peace-building than traditional, gender-neutral approaches and describes peace-building as a process that can go beyond conflict prevention and take place throughout conflict itself and well into its aftermath (Porter, 2007). As a result, peace-building should include measures that both "precede and follow formal peace accords" (Lederach, 2004).

### Box 2: Key VAWG documents and policies in humanitarian action

- **Call to Action on Protection from Gender-based Violence in Emergencies**  
Launched in 2013 by the United Kingdom and Sweden, the Call to Action aims to transform how humanitarian action addresses GBV by driving change and fostering accountability of humanitarian actors.
- **Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action**  
The Inter-Agency Standing Committee's (IASC) 2015 guidelines on how to integrate GBV interventions into 13 thematic areas of humanitarian action.
- **Handbook for Coordinating Gender-based Violence Interventions in Humanitarian Settings**  
These 2010 guidelines were developed by the GBV Area of Responsibility Working Group of the Global Protection Cluster. They provide guidance on coordinating GBV interventions in humanitarian contexts.
- **Statement on the Centrality of Protection in Humanitarian Action**  
This 2013 statement from the IASC re-affirmed the international community's view of protection as a key priority of humanitarian action. This includes protecting women and girls from GBV.



State-building is understood to be “constructing or reconstructing institutions of governance [to make them] capable of providing citizens with physical and economic security” (Chandler, 2006). The UN has framed state-building as the “central objective of any peace operation” focused on transforming rather than restoring previous iterations of that state (Brahimi, 2007).

State-building occurs in all types of contexts. In non-conflict contexts, it simply reflects the evolving relationship between the state and its citizens in performing state function. In conflict-affected and post-conflict contexts, the fragility of the state may be both a cause of conflict (i.e. contested power, discrimination within state institutions, lack of accountability to citizens) and a consequence of conflict (i.e. breakdown in core state functions like rule of law, taxation or security). In these contexts, building the state is one way of resolving and preventing a recurrence of conflict, which means it also has a peace-building function. Post-conflict state-building may also have aims not focused on peace-building. These include economic growth and social development that do not directly or explicitly address conflict but can be viewed as contributing to a more stable society in the long term.

The UN has long highlighted the importance of addressing women’s rights concerns in relation to armed conflict and state-building and peace-building efforts (see Box 2). Several resolutions by the UN Human Rights and the UN Security Councils, primarily Resolution 1325 (2000) on WPS, have provided a strong framework for governmental and non-governmental approaches that are gendered and specifically address the rights and needs of women and girls in conflict and post-conflict settings. The importance of women’s participation in activities to move beyond a view of ‘peace’ as simply an absence of war (or ‘negative peace’) has been highlighted in global guidelines as an essential ingredient of a successful and developed state.

However, the gendered nature of state-building and peace-building (SBPB) processes are often overlooked, despite the ways that gender power relations are present in and can affect the success or failure of SBPB (Strickland and Duvvury, 2003). Many SBPB processes, such as disarmament, demobilisation and reintegration (DDR), transitional justice and even peace negotiations and reconciliation processes, have had limited involvement from women and failed to address women’s experiences of conflict. This includes the ongoing exclusion or marginalisation of women from processes that aim to secure peace and stability (Handrahan, 2004; Domingo et al., 2013).

Increasingly, global policy documents on SBPB processes have recorded and called for steps to redress the enduring exclusion of women and women’s rights from these processes.<sup>1</sup> There have been consistent calls for the increased participation of women at all levels of decision-making; the creation of safe environments that allow women to fully participate in decision-making processes; and consultation and effective representation of women in civil society.<sup>2</sup> Several of these documents also recognise that women and girls may have experienced increased violence during conflict and in its aftermath, and call for adequate funding to meet their needs, including access to support services and justice (for example, UNSCR 1325 and 1820).

<sup>1</sup> See UNSCR 1325 which promotes “women’s equal participation and full involvement in all efforts for the maintenance and promotion of peace and security”; the 2011 New Deal for Engagement in Fragile States which notes that “the empowerment of women is at the heart of successful peace-building and state-building”; and the Advisory Group of Experts on the 2015 Review of the United Nations Peacebuilding Architecture, which noted, “It is, at last, becoming widely recognized that women’s participation is also crucial to the success of economic recovery, political legitimacy and social cohesion. As a result, without women’s engagement from the earlier moments of attempting to end the violence to the latter stages of consolidating the peace, the dangers of relapse are greatly heightened.”

<sup>2</sup> See, for example, General Recommendation No.30 on women in conflict prevention, conflict and post-conflict situations, 13 October 2013, CEDAW/C/GC/30. This General Recommendation was issued by the CEDAW Committee to provide guidance to states’ parties on the specific applicability of non-discrimination norms offered by CEDAW to such processes and the need to counter exclusions faced by women.



## The study

In order to begin to bridge the gaps between VAWG and SBPB processes, this study aims to contribute new evidence and an analysis of the intersections of VAWG and SBPB. It has been conducted as part of the What Works to Prevent and Respond to VAWG in Conflict and Humanitarian Settings Consortium. This consortium is funded by the UK government and focuses on two overarching research questions:

- 1) How have programmes and policies to prevent and respond to VAWG been integrated and addressed within post-conflict state-building policy and programming?
- 2) In a conflict-affected country, how is VAWG related to efforts to achieve peace and stability?

The study brings together analytical and empirical findings from three case study countries. These findings assess how SBPB processes have addressed VAWG to help achieve state stability and enduring peace. It is hoped that evidence around these questions will inform conflict and post-conflict SBPB policy and programming to ensure they are more effective at addressing VAWG, and particularly forms of VAWG that act as barriers to peace and stability.

The research process included:

### 1. A global strategic search and literature review

The research team conducted a strategic search of targeted databases, journals and grey literature related to the intersections of SBPB and VAWG. The team also sourced

relevant documentation by searching academic databases and wider grey literature. This process helped to inform the development of the overall research questions guiding the study and the selection of case study countries. Following the search, 205 documents were reviewed.

### 2. The development of a conceptual framework that links the literature of SBPB and VAWG

After a review of existing literature, an analytical framework was developed that draws together the available evidence on SBPB and VAWG. An overview of the process to develop this framework is detailed on page 20 and a full explanation in Annex 1.

### 3. The development of country level case studies

Three countries (South Sudan, Nepal and Sierra Leone) were selected as case studies to further explore the links between SBPB and VAWG at a country level. This involved an analysis of country level literature reviews and the collection of primary qualitative data in each location. These individual studies utilised the previously developed conceptual framework as an analytical tool to organise the fieldwork and findings. Each country offered unique data in terms of the conflict that has affected it, the types of VAWG prevalent, and the progress their governments, civil societies and international communities have made in addressing VAWG as part of their SBPB processes.

### 4. The development of the main summary report

Trends across all three case studies were consolidated and detailed in the main summary report; while full case studies that explore each country in relation to the conceptual framework are available in Annexes 3, 4 and 5.

## Intersections of SBPB and VAWG – findings from the literature review

The global literature review found that calls for the inclusion of women in peace processes has led to a growing response. This includes the adoption of global policy instruments relating to the involvement of women and increased service provision to survivors of VAWG through humanitarian and post-conflict programming by international and local actors.

At the same time, a focus on securing stability and peace in the aftermath of armed conflicts (by international governments, the UN system and its partners) has prompted a range of global policy initiatives and strategies to advance SBPB.<sup>3</sup> It is evident that international and national approaches to prevent and respond to VAWG and support SBPB processes often exist in parallel to one another. It is also evident that post-conflict state-centric SBPB strategies have often neglected issues of gender equality and VAWG (Castillejo, 2012; Handrahan, 2004; Zuckerman and Greenberg, 2004).

There are, however, important interconnections between the issue of VAWG and efforts to secure peace and stability in conflict and post-conflict contexts. As a preliminary step for this study, the research team conducted a global literature review on the intersections of SBPB and VAWG to identify links between the two fields. This process systematically assessed and synthesised existing evidence on the impacts of SBPB as related to VAWG and found that:

- VAWG is often addressed at country levels through a broad range of domestic policy instruments that directly relate to international frameworks. These include the UN Security Council's Women, Peace and Security resolutions, the UN Declaration on the Elimination of Violence Against Women and CEDAW. However, there has been criticism that the focus on how women's victimhood in those instruments carries into SBPB approaches impacts the potential focus on women's participation and agency (Scully, 2012), and that these international instruments do not capture contextual realities of VAWG post-conflict (Swaine, 2015).
- While there have been increasing efforts by humanitarian actors to prevent and respond to a wide range of types of VAWG (including IPV, and early and forced marriage) in conflict and post-conflict contexts, much of the global discourse and focus within the SBPB arena has been on CRSV (see, for example, Eriksson Baaz and Stern, 2013; Diken and Bagge Laustsen, 2005; Card, 1996; Farwell, 2004; Gottschall, 2004; Horwood 2007; Wood, 2006; Wood, 2009; Merger, 2016).

- There has been considerable theoretical work proposing continuums of gender violence from public to private spaces and between non-conflict and conflict settings (Moser 2001; Kelly, 1998). Studies suggest that despite the formal cessations of hostilities, VAWG continues due a 'normalization' of violence in post-conflict settings (Dolan, 2010; Groves et al, 2009; Niner, 2011) that may affect rates of IPV (Hall, 2009; Rehn and Sirleaf, 2002; Peterman et al., 2011; Tunny, 2000) and non-partner assault (Dolan, 2010; Peterman et al., 2011; Tunny, 2000). However, most of this literature is focused on theoretical and anecdotal evidence rather than rigorous primary data collection.
- Women's participation in peace-building efforts and governance can lead to more equitable and sustainable peace and stability (Castillejo, 2011; Erzurum and Eren, 2014). For example, one study of 156 peace agreements found that there was a 20% increase in the probability of a peace agreement lasting at least two years and a 35% increase in the probability of an agreement lasting at least 15 years when women were involved in the peace processes (Stone, 2015). However, further study is needed on what participation in these processes means and how outcomes in the agreements themselves (including provisions on VAWG) differ when women have in-depth involvement versus when women are engaged in marginal roles/as token representation.
- Through processes of reform and state-building during the transition from conflict to peace, post-conflict countries often open up new political spaces that allow new legal and policy frameworks pertaining to women's rights and VAWG to be adopted (Manchanda, 2010; Castillejo, 2011). However, structural barriers prevent the full participation of women in post-conflict peace and state-building, and the resources needed to implement these new laws and policies continue to be absent (Castillejo, 2011; Abugre, 2008).

<sup>3</sup> For example, the 2011 New Deal for Engagement in Fragile States; the OECD/DAC papers on peace-building and state-building: *Helping prevent violent conflict* (2001), *Preventing conflict and building peace* (2005); *Fragile states: policy commitment and principles for good international engagement in fragile states and situations* (2007); *Concepts and dilemmas of state-building in fragile situations: from fragility to resilience* (2008); *Policy guidance on supporting state-building in situations of conflict and fragility* (2011).



## A conceptual framework linking state-building and peace-building and violence against women and girls

### Adapting an ecological model for conflict settings

An ecological model is an analytical framework used in social and epidemiological research (originally developed by Bronfenbrenner in 1979) to understand multiple, interconnected levels of risks that contribute to health outcomes. For example, examining health risk factors at societal, community and individual levels.

In recent years, researchers have adapted the ecological model as a means to identify and interrogate risk factors that lead to the experience of VAWG (Heise, 1998). As use of the framework has increased in the past two decades, most experts and practitioners have generally accepted it as the lens through which to analyse VAWG in non-conflict settings.

To reflect the different types of VAWG that might be found in a conflict setting (including strategic rape, mass public sexual violence, IPV, non-partner sexual abuse, traditional practices, human trafficking, child sexual abuse), the research team adapted the general VAWG ecological framework. The new framework brings together the knowledge base from existing literature (both empirical and theoretical) of posited drivers of VAWG within and outside times of armed conflict. These drivers include endemic factors that lead to VAWG during conflict and peacetime, and drivers identified as distinctive to or associated with conflict. In addition, the new category of 'institutions' has been added to the model because of the study's focus on SBPB. This explores the effect state and civil society institutions have on rates of VAWG.

While this model draws from existing literature, it also theorises connections between conflict and post-conflict situations and VAWG where there is limited empirical evidence. It was developed based on the findings of the overall literature review and examination of Heise's ecological framework for non-conflict settings.

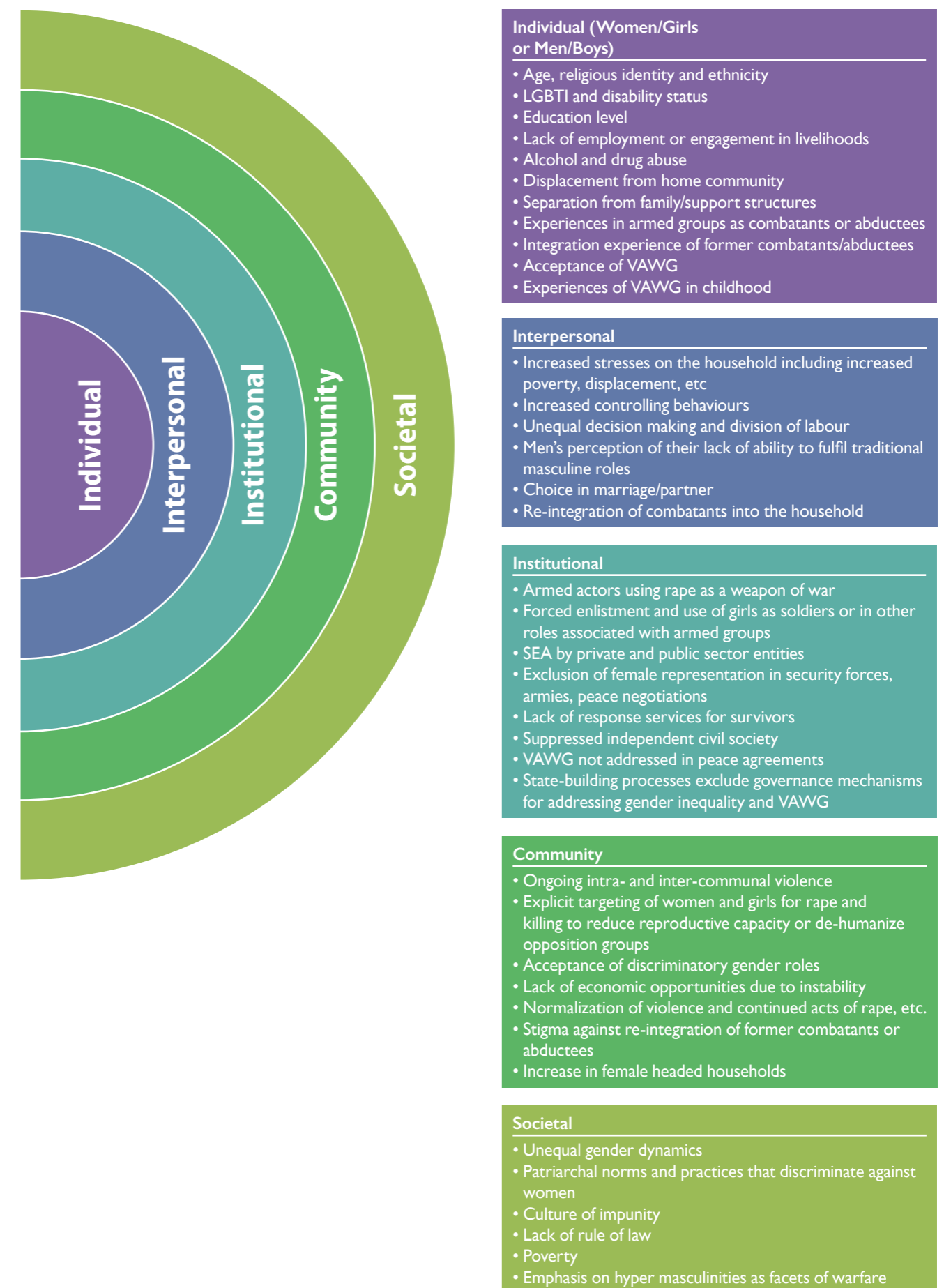
At the societal level of the model, unequal gender dynamics and patriarchal norms and practices that discriminate against women remain the root cause of violence, as they do during non-conflict (Dobash and Dobash, 1979; Eriksson Baaz and Stern, 2010; The Global Women's Institute and the International Rescue Committee, 2017; Kelly, 2000). In addition, poverty, a weak rule of law and a culture of impunity also act as risk factors for VAWG in both times of conflict and peace (Bukuluki et al., 2013; Eriksson Baaz and Stern, 2010; International Rescue Committee, 2015; The Global Women's Institute and the International Rescue Committee, 2017).

Certain components of warfare may also contribute to increased incidents of VAWG during conflict and post-conflict periods. Scholars have theorised that this includes pressure placed on men to fulfil hyper-masculine roles, the use of masculine norms to objectify or dehumanise the enemy, and worries about failing to meet the expectations of 'being a man' (Cockburn, 1999; Vess et al., 2013; Eriksson Baaz and Stern, 2010).

In communities, an acceptance of rigid and discriminatory gender roles affects rates of VAWG (McConahay and McConahay, 1977). In addition, increased exposure to violence during conflict may increase community acceptance of all forms of violence and escalate controlling behaviours (e.g. keeping girls out of school as a nominally protective measure) that remove women and girls from the public sphere and limit their opportunities for education, employment, choice in partner for marriage, etc. (The Global Women's Institute and the International Rescue Committee, 2017; International Rescue Committee, 2015). The specific targeting of women and girls for rape, murder or abduction by armed groups may lead to cycles of revenge, perpetuating women and girls as targets (The Global Women's Institute and the International Rescue Committee, 2017; El-Bushra and Sahl, 2005). In addition, economic instability may grow as conflict and displacement disrupt normal livelihoods opportunities, leading to further violence (Bukuluki, et al, 2013; Vess et al. 2013; The Global Women's Institute and the International Rescue Committee, 2017).

At an institutional level, armed forces may specifically employ rape as a weapon of war (Card, 1996; Milillo, 2006; Diken and Laustsen, 2005; Handrahan, 2004; Coomaraswamy, 1999; Rehn and Sirleaf, 2002). Women may also be under-represented in (or are relegated to marginal roles within) security forces and armies, affecting whether and how the security sector addresses the priorities of women and the problem of VAWG (Bastick et al., 2007; Holvikivi, 2015; Albrecht and Barnes, 2008). When women are not included in peace negotiations, or when transitional justice mechanisms do not include VAWG, existing cultures of impunity may be compounded resulting in heightened rates of VAWG continuing after the formal cessation of hostilities (Sigsworth, 2008; Rehn and Sirleaf, 2002).

Figure 1: An Ecological model for drivers of conflict and post-conflict VAWG



### Bridging state-building, peace-building and violence against women and girls: a new analytical framework

A range of analytical approaches and conceptual frameworks have been developed globally to advance SBPB practice in post-conflict contexts. Norway, for example, which plays a well-recognised role as peace mediator in many conflicts around the world, has developed a Peacebuilding Palette to guide its foreign policy work on peace-building (Royal Norwegian Ministry of Foreign Affairs, 2004). This framework establishes a set of four intersecting sectoral approaches required to secure peace-building: security, political frameworks, reconciliation and justice, and socio-economic foundations.

Bringing together both state-building and peace-building, the UK government, through its Department for International Development (DFID), has developed evolving iterations of SBPB frameworks. These include the Responsive and Accountable State-building Framework, the Building Durable, Positive Peace Framework, and the Building Peaceful States and Societies Framework, and the Integrated Building Peaceful States and Societies model (Department for International Development and UK Aid, 2010; Whaites, 2008; Department for International Development and UK Aid, 2016).

In order to begin to connect the divergent academic and practitioner spheres of VAWG and SBPB, as a precursor step to this report, the research team developed an analytical framework that brings together:

- causal drivers of VAWG, including those specifically related to conflict and post-conflict dynamics
- critical components of state-building processes, and where and how VAWG might be addressed
- critical components of peace-building processes, and where and how VAWG might be addressed.

This analytical framework attempts to address the way SBPB strategies may affect VAWG and how VAWG may cause continued conflict and fragility. The framework draws on the DFID Integrated Building Peaceful States and Societies model as an overarching conceptual base, which lays out the following building blocks as its general framing for SBPB work:

- 1. Conflict resolution processes** – strengthen formal and informal dispute resolution mechanisms; help people cope with the impact of violence; women's role in peace.
- 2. Inclusive economic growth** – economic development interventions which reduce incentives for conflict and curb illicit economies.
- 3. Fair power structures** – support 'inclusive enough' coalitions in the short term and promote broader inclusion for long-term stability.
- 4. Capable and legitimate institutions** – support state and non-state institutions to deliver security, rule of law and taxation. Deliver fair and accountable services.

- 5. Supportive regional/global environment** – initiatives that reduce cross-border contagion, manage the impact of transnational factors and reduce the vulnerability of communities.

DFID's model encourages analysis and response at the following levels: people, state (local and national) and global. It also recognises that change at the levels of people and local governance has been overlooked in earlier models. However, the model does not fully examine the role of gender and VAWG as part of SBPB processes. To address this gap, the research team built upon the existing conceptual structure of DFID's approach and connected it to the adapted ecological model for VAWG that occurs in conflict, which was discussed earlier. The new model outlines relevant focal areas within each building block and specifically details three aspects:

- **State-building and peace-building processes** – detailing the SBPB processes most common to post-conflict settings.
- **Strategies addressing VAWG** – detailing strategies that states adopt to address the drivers of VAWG or improve their ability to respond to cases of VAWG.
- **Potential positive outcomes of stability and peace strategies to address VAWG** – detailing conceptual connections and potential outcomes of SBPB strategies on VAWG in conflict and post-conflict settings. These are based on the research team's literature review<sup>4</sup> and expertise in these areas. These outcomes touch on many of the differing drivers of VAWG in conflict and post-conflict settings as laid out in the ecological framework.

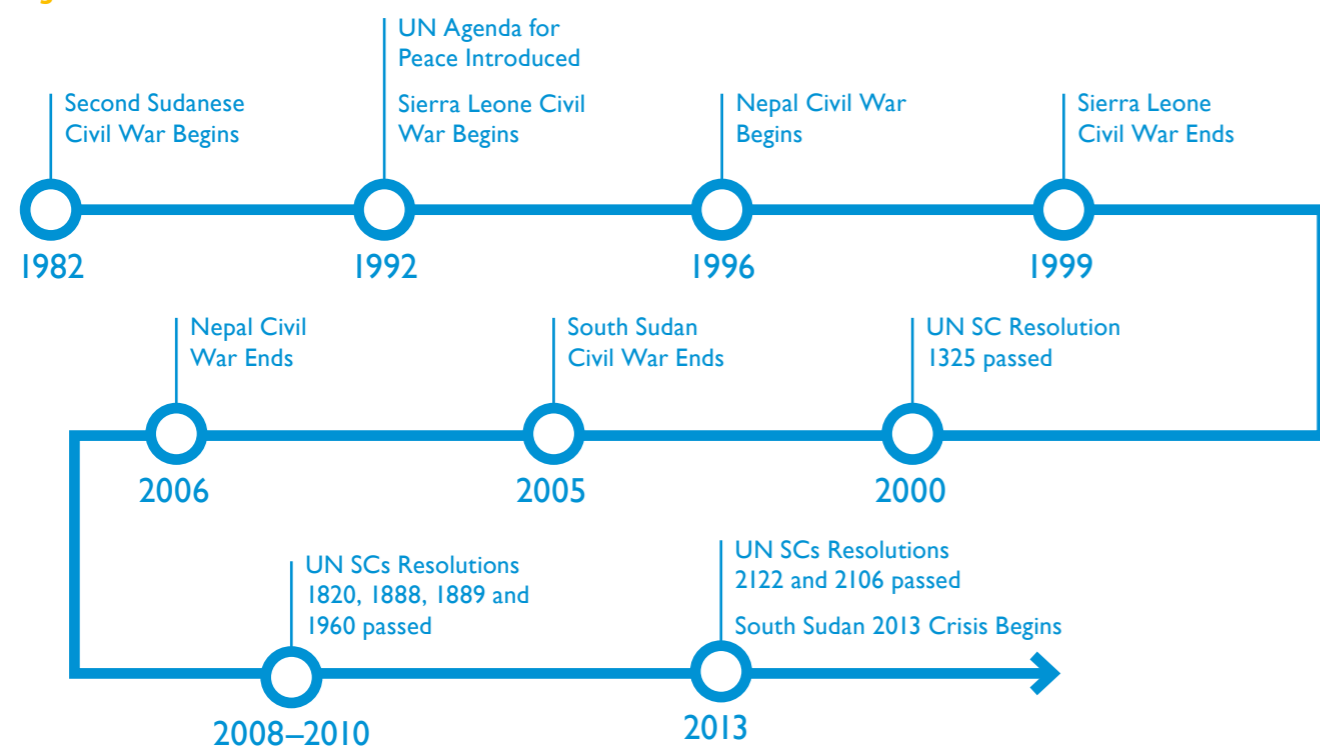
At the heart of the DFID framework is the need to address the causes of conflict, which is taken as critical to this analytical framework. In this adaptation, VAWG is taken as the central issue to be addressed by SBPB strategies and as a driver of conflict and fragility. An illustrative example from the framework can be found in Table 1, and then the full framework can be found in Annex 2.

<sup>4</sup> Key manuscripts reviewed to develop this framework include: Chinkin, 2003; Cockburn, 2004; Corrin, 2004; Curle, 1971; Domingo and Holmes, 2013; Domingo et al. 2013; Engle, 2014; Eriksson Baaz, and Stern, 2013; Galtung, 2004; Galtung, 1969; The Global Women's Institute and the International Rescue Committee, 2017; Handrahan, 2004; Heineman, 2011; Hossain et al. 2014; Kelly, 1988; Lederach, 2004; Meintjes et al, 2001; Mobekk, 2010; Moser, 2001; Ní Aoláin and Turner, 2007; Ní Aoláin et al., 2011; Ogunsanya, 2007; Paffenholz, et al., 2015; Porter, 2007; Rehn, and Sirleaf, 2002; Scanlon and Muddell, 2009; Stone, 2015; Strickland and Duvvury, 2003; Swaine, 2015; Swaine, 2018; Tripp, 2010; UN Women, 2012; Walker, 2009; 1989; Wood, 2009; Wolff, 2011; Zarkov and Cockburn, 2002; Zuckerman and Greenberg, 2004

Table 1: Excerpt from the analytical framework

SBPB processes	SBPB strategies addressing VAWG and gender inequality	Potential positive outcomes of stability and peace strategies to address VAWG and gender inequality
<b>I. Conflict resolution and peace processes</b>		
Peace process and outcome agreement	<ul style="list-style-type: none"> <li>• Gendered conflict analysis informs the entire process, leading to the fulfilment of the following requirements: <ul style="list-style-type: none"> <li>• Gender balanced participation in the peace process.</li> <li>• VAWG is included as a specific issue within the peace process and final peace agreement (e.g. inclusion of a mechanism for transitional justice and/or reparations).</li> <li>• Gender equality and inclusion of women in governance reforms (e.g. adoption of quotas).</li> <li>• Amnesties for VAWG during conflict are prohibited.</li> <li>• Women's rights and VAWG are considered by transitional administrations and decision-making forums (e.g. development of new gender policies, legal frameworks around VAWG).</li> </ul> </li> <li>• Conflict analysis and monitoring mechanisms include indicators on VAWG (e.g. tracking reported cases of CRSV, monitoring for escalations in patriarchal practices such as increases in costs of bride price, reduction of girls enrolled in school).</li> </ul>	<ul style="list-style-type: none"> <li>• Gendered dimensions of conflict and peace are understood and addressed in peace process.</li> <li>• Accountability for perpetrators of conflict-related VAWG.</li> <li>• Reduced stigma for conflict-related and ongoing forms of VAWG.</li> <li>• Improved understanding/consideration of women's rights and VAWG in governmental and decision-making bodies.</li> <li>• Gender norms, relations and practices that disadvantage women and girls and increase likelihood of VAWG are identified and addressed.</li> <li>• Behaviour-change communications including strategies to raise awareness of VAWG as an issue help to create peaceful homes and society.</li> <li>• VAWG and attached stigma are recognised as potential triggers of conflict-related tensions.</li> </ul>

Figure 2: Timeline



## Case studies

### Case study development

The study aims to identify and explore the linkages and interconnections between VAWG and SBPB processes in different contexts. To achieve this, case studies were developed for South Sudan, Nepal and Sierra Leone. These countries were selected to ensure a breadth of experiences in terms of the nature of the conflict and patterns of violence, experiences of VAWG, geographic diversity (spanning West Africa, East Africa and Asia), length of time since the conflict ended, and progress in SBPB.

These case studies utilise the analytical framework as a conceptual basis for understanding the connections between SBPB and VAWG. For each country, an initial literature review was completed around VAWG and SBPB, and then primary qualitative data was collected in each country. Interviews were conducted with informants from key stakeholder groups including NGOs, the UN, the government and civil society. In total, 55 key informants and focus groups were conducted, with 20 interviews taking place in Nepal, 15 interviews and one focus group in Sierra Leone, and 15 interviews and two focus groups in South Sudan.

The results of the literature review and complementary qualitative data of each case study was then analysed and organised according to the previously developed SBPB and VAWG analytical framework. This involved each case study focusing on only the most relevant components of the framework for its context and the specific research questions of this study. The key trends and findings from each case study were then consolidated in this overall report. See Annex 1 for details on the methodologies employed.

### Case study contexts

For this study, South Sudan highlights the challenges of incorporating SBPB processes in a context that has never fully entered the post-conflict stage. This is because wide-scale conflict restarted in December 2013 after a brief period of relative stability that lasted from the signing of the Comprehensive Peace Agreement in 2005 to independence from Sudan in 2011. In terms of fragility, South Sudan has been referred to as a failed state and ranked first in the world in the Fund for Peace's Fragile State 2017 Index.

Conversely, the cases of both Sierra Leone and Nepal allow for a longer-term view of what can be accomplished, and what gaps remain, for countries further removed from conflict. However, despite government and key stakeholders' conceptualisation of Sierra Leone and Nepal as 'beyond' conflict, both countries overall governance and state functions remain fragile (for example, Nepal ranked 33rd and Sierra Leone 38th on the 2017 Fragile State Index).

Importantly, there have been significant changes in international discourse and capacity on peace-building during the timeframes of the case studies, and particularly in relation to women, peace and security. Figure 2 below situates the three case studies alongside an international context to highlight what was taking place on a global scale at the same time. The contexts of the three case studies are then explored in more detail, including the unique experiences of women and girls during conflict.



Kate Holt/CARE Denmark

## Nepal

In 1990, a broad coalition of political parties forced the Nepalese monarchy to give up absolute power and transformed Nepal into a constitutional monarchy. Many left-wing groups felt that this did not go far enough, resulting in political instability in the following years, which included allegations of corruption and limited social and economic progress.

In 1996, the Communist Party of Nepal - Maoist (CPN (M)) presented a memorandum with demands relating to nationalism, democracy and livelihoods, including the abolition of royal privileges and the promulgation of a new constitution. When the government ignored these demands, the CPN (M) proclaimed a 'People's War' and the Maoist insurgency came to control a substantial part of the country, and in particular rural areas. From 2001, successive attempts were made to negotiate a peace deal. When the king of Nepal reinstated direct rule after the failure of peace talks, divided political parties formed the Seven Party Alliance (SPA), which engaged in dialogue with the Maoists. These talks then led to the coalition government and the Maoists signing the Comprehensive Peace Agreement (CPA) in 2006.

In regards to the experiences of women and girls during the conflict, gender roles changed. Women increasingly took on traditionally male roles in the labour force and as leaders and commanders in the Maoist People's Liberation

Army (PLA). Women formed less than 2% of the Nepalese Army but made up a reported 40%<sup>5</sup> of the PLA (Aguirre and Pietropaoli, 2008). They also supported the PLA by providing food and shelter and not revealing its movements to state security forces. For rural women, the PLA provided opportunities to achieve empowerment, equality and justice (Yami, 2010). In the PLA, women learned a new 'liberation vocabulary' that encouraged them to question traditional gender roles (UNDP, 2010) and started to use the language of 'rights'. During the war, there was also an increase in the number of single mothers and women as heads of households, which further changed gender dynamics. VAWG, including CRSV, was perpetrated during the conflict by both sides, but it has not been acknowledged by either side (Human Rights Watch, 2014).

Nepal has moved through a post-conflict SBPB process and now portrays conflict as something in the past, although localised inter-communal conflicts remain. While there is a lack of systematic prevalence data and emergent patterns, forms of VAWG and new risk factors have been observed post-conflict. Informants noted that women who returned from the conflict have often been ostracised in their communities because they lived alongside male combatants; there was also an increase in female-headed households due to conflict-related deaths and disappearances; and many conflict-affected women migrated to the city because they felt unsafe. However, women remain vulnerable after migrating to urban areas, and particularly if they become involved in the 'entertainment industry' in Kathmandu. Additionally, there has been a reported increase in trafficking of women and girls within and beyond Nepal, although this is difficult to accurately track (National Human Rights Commission – Nepal, 2016).

5 This percentage remains contested but is agreed to be at least 20%.



Freccia Learson/CARE



Peter Biro/IRC

## Sierra Leone

Preceded by a long period of colonialism and independence characterised by coups, corruption and exclusionary systems of governance, the civil war in Sierra Leone was initiated by an attack in February 1991 from the Liberian border. This was led by Foday Sankoh's Revolutionary United Front (RUF) and backed by Charles Taylor's National Patriotic Front for Liberia (NPFL). A series of coups and subsequent attempts at multi-party elections on the part of the government eventually led to the 1996 Abidjan Peace Accord. Its collapse was followed by another series of coups and rule by the Sierra Leone Army (SLA) and its Armed Forces Revolutionary Council (AFRC). Forces of the Economic Community of West African States Monitoring Group (ECOMOG) intervened and seized control of Freetown, the country's capital, which led to the re-establishment of a civilian government.

The Lomé Peace Accord of 1999 then resulted in the deployment of a UN peacekeeping force, which failed to secure the disarmament of active armed groups. Armed forces of the United Kingdom then intervened with a bolstered UN mandate, which resulted in fighting ending in 2002. During the conflict, the institutions designated to uphold the 'rule of law' and the governance of the country were co-opted into the conflict by those in power. The exploitation of Sierra Leone's natural mineral resources played a critical role in the longevity of the conflict. All parties involved in the conflict have been found to have committed crimes, including those against civilians. Charles Taylor was convicted by the Special Court for Sierra Leone of providing

support for the conflict in the country, as well as aiding and abetting the perpetration of war crimes and crimes against humanity (Sierra Leone Truth and Reconciliation Commission, Vol. 2, 2004).

Women and girls were greatly affected by the conflict in Sierra Leone and continue to deal with its impact. The report of the Sierra Leone Truth Commission found that women and girls experienced CRSV, including forms of rape, gang rape, sexual slavery, torture, abduction into armed groups, sterilisation, forced pregnancy, destruction of pregnancies, forced marriage, forced cannibalism, trafficking, and sexual exploitation and abuse in sites of population displacement (Sierra Leone Truth and Reconciliation Commission, Vol. 3B, 2004). Many women bore children as a result of sexualised violence and experienced vesico-vaginal fistula (VVF) (Coomaraswamy, 2002). They also continue to experience enduring trauma, which affects many women's lives today (Ministry of Social Welfare, Gender and Children's Affairs, 2015).

Since the cessation of the conflict, women associated with armed groups (some were abducted and some joined voluntarily) have faced a number of difficulties. These include leaving armed groups safely, reintegrating in home communities, attaining economic viability after leaving a group and coping with social ostracisation (Coomaraswamy, 2002). Many women and girls who experienced CRSV and were associated with armed groups remain socially ostracised; this is particularly the case for those who bore children as a result of sexual violence (Government of Sierra Leone, 2014).

## South Sudan

Sudan became independent from the UK in 1956, but since that time continual conflict has engulfed the country. From 1955 to 1972, and then again from 1983 to 2005, the semi-autonomous area of southern Sudan fought for independence from northern Sudan. In 2005, a final peace agreement between the Sudanese People's Liberation Movement (SPLM) and its associated armed forces, the South Sudanese People's Liberation Army (SPLA), and the Sudanese government in Khartoum was signed. This Comprehensive Peace Agreement (CPA) laid the groundwork for the 2011 referendum on independence and subsequent declaration of the Republic of South Sudan (RSS) in July of that year.

Despite formal cessation of open hostilities between Sudan and the new Republic of South Sudan, violence continued between the two states even after South Sudan became independent. In addition to the hostilities between Sudan and South Sudan, continued tensions and fighting amongst the different political factions and communities within South Sudan affect the country. Centuries of inter-communal conflict, particularly between pastoral tribes, and pastoralists and agriculturalists, remain a challenge for the

new state. Compounding these existing inter-communal tensions are the violent acts perpetrated by the supporters of the president of South Sudan, Salva Kiir Mayardit of the SPLM, and his former vice-president, Riek Machar, the now leader of the Sudanese People's Liberation Movement-in-Opposition (SPLM-IO). This violence began in December 2013, following several months of deteriorating political relations between the president and former vice-president, and flared up significantly in 2016.

VAWG has affected women and girls during all the recent conflicts that have affected the country: the civil war, intercommunal conflict and 2013 crisis. Common forms of violence that affected women and girls included intimate partner violence, non-partner sexual violence such as rape, and traditional practices such as early and/or forced marriage, polygamy, and payment of bride price. (The Global Women's Institute and the International Rescue Committee, 2017). CRSV was also a key facet of the 2013 crisis (Amnesty International, 2017; The Global Women's Institute and the International Rescue Committee, 2017). Overall, the rates of VAWG documented in South Sudan are some of the highest in the world. This demonstrates that women and girls are experiencing violence throughout childhood and adulthood, and in public and private spheres.

## Overall summary findings

In order to highlight key overall findings that run across the case studies, common trends and lessons learned are explored here and relevant examples from each country case study are featured. The full country case studies, which detail the specific findings in relation to the research's overall conceptual framework, can be found in Annexes 3, 4 and 5.

### **I. Rates of violence against women and girls, including forms of violence not traditionally considered conflict-related, are high during and after periods of conflict. This violence has lasting effects on the lives of women and girls.**

Women and girls in all three contexts deal with violence in their everyday lives, both during and after periods of conflict. This violence has long-lasting effects on their lives.

In Sierra Leone, many women and girls who experienced CRSV were associated with armed groups. As a result, they became and remain socially ostracised, and particularly those who bore children as a result (Government of Sierra Leone, 2014). In Nepal, VAWG, including CRSV, was perpetrated during the conflict by both the government and opposition forces (Human Rights Watch, 2014). In South Sudan, CRSV is a central characteristic of the 2013 crisis and ongoing intercommunal violence, with women and girls specifically targeted by armed actors (including the government and opposition forces) for rape, abduction or death (Amnesty International, 2017; The Global Women's Institute and the International Rescue Committee, 2017).

However, in all three contexts, other forms of endemic violence, such as IPV, are more prevalent during and after the conflict compared to CRSV. For example, rates of IPV ranged from 26–74% in regions of the three countries, and other forms of VAWG, such as early and forced marriage and traditional practices, are common in these contexts too (see Box 3).

These extremely high levels of VAWG (both CRSV and other forms of violence such as IPV) indicate that these issues have not been sufficiently integral to SBPB processes in the any of three case study contexts. While Sierra Leone and Nepal have managed to achieve 10–20 years of peace in the aftermath of each civil war, high rates of VAWG remain in both societies. While countries that have not experienced conflict may also experience high rates of

### **Box 3: Violence against women and girls – selected key figures**

#### **Nepal**

- Seven per cent of 15–49-year-olds have experienced some form of sexual violence (partner and non-partner) since the age of 15 (Ministry of Health Nepal, New ERA Nepal and ICF International, 2017).
- Twenty-six per cent of ever-married women have experienced spousal physical, sexual, or emotional violence during their life (Ministry of Health Nepal, New ERA Nepal and ICF International, 2017).
- Fifty-two per cent of women aged 25–49 were married by the age of 18 (Ministry of Health Nepal, New ERA Nepal and ICF International, 2017).

#### **Sierra Leone**

- Fifty-one per cent of ever-married 15–49-year-olds have experienced forms of physical, sexual or emotional violence by a partner since the age of 15 (Statistics Sierra Leone and ICF International, 2014).
- Half of women aged 25–49 were married by the age of 18 (Statistics Sierra Leone and ICF International, 2014).
- 90% of women and girls in Sierra Leone experience FGM (Statistics Sierra Leone and ICF International, 2014).

#### **South Sudan**

- Lifetime prevalence of physical and/or sexual IPV amongst 15–65 year olds ranged from 54 to 73% in three sites in South Sudan (GWI and IRC, 2017).
- Up to 33% of women aged 15–64 from the three sites in South Sudan reported experiencing non-partner sexual violence during their lifetime. This included rape, attempted rape or any other unwanted sexual acts (GWI and IRC, 2017).
- Sixty-four to seventy-eight per cent of women and girls were married by age 19 in the three sites in South Sudan (GWI and IRC, 2017).

For many, a desire for peace absent of such violence was expressed:  
“The link is there when you are talking about violence against women,  
you are talking about sustainable peace – when you have a happy  
home, you have a happy community.”

Key informant, interview in Sierra Leone

VAWG, questions must be raised about whether and how gendered harms feature in a state’s assessment of its stage of SBPB, and particularly whether women’s experiences of violence are included in their assessment of the quality of its ‘peace’. For example, in a recent fragility assessment of Sierra Leone, it was estimated that the country experiences ‘low interpersonal violence’; however, other reports show that more than half of women and girls in Sierra Leone have experienced IPV (Government of Finance and Economic Development, 2013).

“If homes are peaceful, the community  
will be peaceful and the nation will  
be peaceful.”

Key informant, interview in Sierra Leone

In all three contexts, key informants noted the linkages between violence in the private sphere and violence in the public and political sphere as informing their view of what SBPB efforts have and have not achieved. For example, in Sierra Leone, key informants acknowledged that the high levels of IPV bring into question the level of peace-building achieved.

“For me, addressing VAWG should be part  
of peace-building... it was not regarded as  
part of peace-building, that’s why we see it  
now – at times, there’s some rape cases that  
you hear that it just leaves you speechless.”

Key informant, interview in Sierra Leone

**2. Violence against women and girls and conflict can have many common drivers. In some settings, VAWG may be a driver of further militarised violence and/or have an impact on state fragility.**

At its core, VAWG is a product of gender dynamics and patriarchal practices, and a manifestation of unequal power between men and women. During times of conflict, this gender inequality remains the core cause of VAWG, whether it’s directly (for example, CRSV) or indirectly (for example, IPV or early marriage) related to conflict (Kelly, 2000; The Global Women’s Institute and the International Rescue Committee, 2017).

In Sierra Leone, the Truth and Reconciliation Commission’s report from their special thematic hearing on ‘women and conflict’ noted that structural gender inequality was a causal factor in the violence experienced by women and girls during the civil war (Sierra Leone Truth and Reconciliation Commission, 2004). Beyond this root cause of violence, recent research in South Sudan has identified a number of additional indirect drivers of violence that appear to be affecting rates of violence, and particularly violence within homes during times of conflict. These additional drivers of VAWG include increases in economic insecurity and criminality, displacement, the normalisation of violence and a breakdown of the rule of law (The Global Women’s Institute and the International Rescue Committee, 2017). When examining these drivers of VAWG, it appears that there’s considerable overlap between these and drivers of wider conflict in South Sudan (Reeve, 2012). For example, conflict in South Sudan has been heightened by ‘hyper-masculine’ norms that normalise the use of violence against men, women, girls and boys in the public sphere. These new norms may then be transposed to the private sphere, contributing to rises in IPV and other violence within the home. These interconnections make it imperative to consider VAWG when addressing wider conflict dynamics, and important to acknowledge the effect wider conflict can have on rates of VAWG.

In South Sudan, VAWG is not only a tool utilised during conflict, it can also be a driver of civil conflict. In this context, the payment of a bride price is central to the practice of marriage, and in recent years the amounts associated with the practice have been increasing. There have been reports of hundreds of cattle being paid, which increases the potential for inter-communal flashpoints because young men and their families struggle to acquire the necessary resources to enter marriage (The Global Women’s Institute and the International Rescue Committee, 2017). As a result, young men are engaging in raids to acquire the cattle necessary to pay the bride price, or they are directly abducting women and girls to force them into marriage.

The lack of the rule of law, economic instability, normalisation of violence and perpetuation of arms all compound the violence of these raids. The abductions and forced marriages, as well as incidents of sexual violence, that occur during these raids often trigger revenge attacks, which then set off cycles of violence that are common and widespread throughout the country (The Global Women’s Institute and the International Rescue Committee, 2017). Women and marriage in this context are fought over as resources or property, which negatively affects women’s autonomy, wellbeing and safety, as well as the peace and stability of communities throughout the country. Even in South Sudan’s relatively peaceful period of 2005–2013, inter-communal conflicts continued, suggesting that even if a political solution to the current crisis is found, true peace will not be achieved without addressing VAWG.

**3. Patriarchal norms and harmful practices underpin violence against women and girls, and limit responses to this violence. Women’s political participation, influence and access to power remain limited by patriarchal norms, which curtail their potential impact on policy reform and implementation.**

Unequal, harmful and patriarchal norms and practices were found to be commonplace prior to, during and in the aftermath of conflict in all three case study settings. Gender roles and norms can change due to the effects of conflict, as women step in to take on more traditional ‘masculine roles’ in the absence of men, or they join armed forces themselves. These changes can impact on a woman’s risk of experiencing VAWG during conflict and in the transition to peace, when these limited advances may cause conflict with men after they return to their families and communities (International Rescue Committee, 2015; Domingo and Holmes, 2013).

Those working on service provision  
and advocacy on VAWG in Sierra Leone  
stressed: “These issues were ongoing  
long before the war.”

Key informant, interview in Sierra Leone

However, SBPB efforts rarely explicitly acknowledge these changing norms or effectively work to reduce these underlying disparities, limiting their ability to address and reduce VAWG in the post-conflict period. SBPB processes occur during major societal transformations and often

provide a window of opportunity for more equal structures to be built. When women and girls do not participate in SBPB processes, the opportunity is lost to create new structures and challenge inequalities.

In South Sudan, there has been little acknowledgement of the effect of patriarchal practices on wider conflict dynamics in the country. But in Sierra Leone, there is increasing recognition that conflict-related VAWG is linked to discriminatory and patriarchal practices that pre-date the conflict and endure in its aftermath. In Sierra Leone, key stakeholders have begun to recognise that in order to avoid a relapse into conflict, it is critical to address these harmful practices. However, they also noted that these moments have not been utilised effectively to create change. This is because limited funds and attention have been given to reduce overall gender disparities in society and government, and to reduce VAWG through SBPB efforts.

Conversely, Nepal is viewed by many as ‘successful’ in its transition to post-war women’s empowerment. The turmoil of the decade-long armed conflict and its rapid changes in social and gender dynamics are viewed as paving the way for landmark achievements in post-war women’s inclusion in politics (Upreti and Kolas, 2016). For example, Nepal’s interim constitution guaranteed 33% female representation in the constituent assembly, the key body shaping the new constitution. Nepal’s government also embraced VAWG as a major issue. In part, this was due to the rhetoric of gender equality espoused by the Maoists during the conflict, which carried through into the peace process and post-conflict political discourse (Asian Development Bank, 2013). Pressure from women’s groups, the women’s movement and the international community, as well as competition between political parties seeking the women’s vote, increased attention on VAWG and the advancement of women’s rights (Asian Development Bank, 2013).

“Women support other women but do  
not challenge patriarchal power and  
increasingly adapt to established male  
political culture, trying to be more like  
men, in speech and dress, in order to gain  
respect.”

Key informant, interview in Nepal

However, because both sides were implicated in violence against women and girls during the conflict and continue to share power, the government has failed to acknowledge that VAWG was a significant component of the conflict. Also, despite the Maoist PLA incorporating women into positions of military power, informants noted that gender discrimination and patriarchal norms resumed in the aftermath of the conflict, as women were encouraged to return to more gendered roles and discouraged from participating in politics and peace processes.



Many women joined the Maoist movement with the expectation that it would advance gender equality, but these expectations have not been realised in the post-conflict period. The DDR process took an extended period of time and female combatants found themselves excluded from discussions about rehabilitation and integration (Goswami, 2015). Rather than achieving the envisioned gender transformation in society, many women went back to their traditional roles rather than receiving support.

While there have been efforts to promote women's political representation in all three contexts, these efforts have had mixed results on VAWG policies and legal frameworks. In South Sudan and Nepal, political quotas have been introduced to promote the participation of women in government. However, informants noted that these quota systems fail to address cultural and systemic barriers to women's influence within the political system. The promotion of women into positions of political power alone is not enough to effect lasting change in these conflict-affected and fragile contexts, where the lack of resourcing and political prioritisation of VAWG as an issue impede real progress in reducing violence.

In South Sudan, the transitional constitution of South Sudan mandates that women make up 25% of the legislative and executive branches of government. However, these quotas are not often met and women are not found to be leading the most powerful or well-funded ministries (Human Security Baseline Assessment, 2008), and the overall legal framework on VAWG remains weak. Since the recent outbreak of conflict in 2013, any advances that had occurred to entrench women in positions of power are seen by key informants to have regressed.

In Nepal, following the CPA, proportional representation was introduced, but it was not clearly mandatory at all levels of government (Dhakal 2015; Asian Development Bank, 2010). The first constituent assembly (CA) of 2008 was one-third women and provided a platform for women to bring their own concerns into the constitution-making process. Women's representation in the first CA has been hailed as the greatest achievement of the women's movement in Nepal through consistent monitoring and activism, supported by the international community (Upreti and Kolas, 2016). However, it was ineffective in pushing women's agendas, despite numerical representation (Lohani-Chase, 2014). The attention of the international community on women's rights appears to have encouraged the trend towards inclusion of women in politics. Key informants noted that there is scepticism about whether this is a 'donor driven' agenda. Some suggest that women's rights have become a tool in the competition amongst political parties to 'out-do' each other in the eyes of the international community.

Overall, there has been insufficient effort to shift the patriarchal norms and behaviours that limit the impact of structural changes in politics and other efforts to empower women in the political process. The establishment of gender quotas in Nepalese politics has led to a backlash from men, as they try to maintain patriarchal control and power. This has resulted in women facing extremely high rates of violence as they attempt to participate in political processes. Women have received death threats and experienced domestic violence for engaging in women's advocacy collectives (Moosa et al., 2013); and widespread violence against women in politics (VAWIP) hampers the democratic process envisaged by the constitution. Physical, sexual and verbal abuse is a deliberate tool to deter women from engaging politically in this context. One survey found that 46% of informants believed that VAWIP deterred women from entering politics, and 54% named patriarchal control as a driver of violence because 'men don't want to lose to women' (UN Women, 2014). These limitations on women's access to power, together with female politicians experiencing VAWG, means fair elections are disrupted, and as a result, the constitution and plan for state-building are experiencing interference (Dhakal, 2015).

**“The 25% affirmative action law exists, but it doesn't seem to be in use.”**

**Key informant, interview in South Sudan**

**4. Women are frequently excluded, or not included in substantive ways, in conflict resolution mechanisms and peace processes. This contributes to a lack of acknowledgement of/emphasis on VAWG during state-building and peace-building processes.**

Local women's movements who work to prevent VAWG and reform laws and policies to increase protection from VAWG are essential actors in conflict and post-conflict contexts. They are also key proponents for women's meaningful participation in peace processes and equal representation in newly reformed governments. However, they are often marginalised from larger SBPB processes or only participate as 'token' representatives. In all three case study countries, women were frequently excluded or not able to participate in substantive ways in the negotiation of peace agreements. While having women at the negotiating table does not guarantee the inclusion of provisions for addressing VAWG, the evidence in this study suggests that excluding women from the process contributes to gender-blind peace agreements and processes that don't address the concerns of women and girls.

**“This is the biggest achievement because the hard work of getting gender incorporated has happened. This is now going to be in future peace agreements because the hard work has been done to convince people that it is valuable.”**

**Key informant, interview in South Sudan**

**Table 2: Selected peace agreements**

Country	Peace agreement	Year	Women's participation in peace negotiations	Inclusion of VAWG provisions
Nepal	Comprehensive Peace Agreement	2006	No women negotiators in any of the three key stages of peace negotiations.	The CPA touched on women's rights (Ariño, 2008) and the interim constitution (IC) it established guaranteed 33% women's representation in the constituent assembly (CA), the key body to shape the new constitution.
Sierra Leone	Lomé Peace Agreement	1999	Government's delegation had two women and the RUF had one; some women civil society representatives involved, although they were excluded from drafting the agreement.	Provisions largely gender-blind with some specific mention of women in relation to their victimhood; provisions for blanket amnesty to members of the RUF and other rebel groups for crimes committed, although the UN attached a provision stating, "The United Nations holds the understanding that the amnesty and pardon in article IX of the agreement shall not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law."
South Sudan	Comprehensive Peace Agreement (Naivasha Agreement)	2005	Limited – only two women participated (as observers) during negotiations.	Largely gender-blind agreement with no provisions for VAWG.
South Sudan	Agreement on the Resolution of Conflict in the Republic of South Sudan (ARCSS)	2015 (not implemented)	Women's bloc participated in negotiations; a representative of bloc was a signatory to the agreement.	Chapter II – prohibits acts outlined in the Cessation of Hostilities Agreement (2014), which includes VAWG, sexual exploitation and harassment.  Chapter V – establishment of Commission for Truth, Reconciliation and Healing, with special considerations for female survivors; establishment of hybrid court that has the jurisdiction to prosecute for VAWG.

For example, in Sierra Leone, women were generally excluded from peace talks and VAWG was not addressed in the 1999 Lomé Agreement, a peace agreement which controversially included provisions for blanket amnesty for sexual violence. While women's civil society organisations were active proponents of the peace process, there were few female participants in formal peace negotiations (UN Women, 2012). The peace agreement was largely gender-blind and primarily acknowledged women in the context of CRSV. This narrow focus failed to recognise that many forms of VAWG were prevalent in Sierra Leone before the conflict and remain prevalent in its aftermath.

Similarly in Nepal, there was a gap between rhetoric and practise during and after conflict, despite the CPN (M) making an ideological commitment to gender equality to its comrades (Pettigrew and Schneiderman, 2004). VAWG was perpetrated by government security forces and male Maoist comrades during the conflict and in the post-conflict period (Human Rights Watch, 2014). During peace negotiations, no female negotiators from either side of the conflict were involved in any of the three key stages of the negotiations, and the subsequent peace agreement did not include provisions to address VAWG carried out during conflict or in the post-conflict period (Ariño, 2008).

In South Sudan, there was a clear example of the differences seen in peace processes that engage women and those that do not within the same country/context. In the lead up to the 2005 Comprehensive Peace Agreement, women were almost completely excluded from the negotiations of the Machakos Accords and subsequent peace agreement signed in Naivasha, Kenya (Human Security Baseline Assessment, 2008). This led to a peace agreement that was completely gender-blind and did not acknowledge that VAWG occurred during the conflict and would continue to affect women as the country transitioned to a post-conflict setting. Comparatively, the process to negotiate the 2013 Agreement on the Resolution of Conflict in the Republic of South Sudan (ARCSS) involved participation of women much more. In fact, women coalesced into a formal 'women's bloc' that had a representative formally sign the peace agreement on behalf of the bloc. Key informants noted that the advocacy of these women particularly influenced the development of Chapter 5 of the agreement, which specifically addressed VAWG and proposed the establishment of a hybrid court to prosecute crimes related to VAWG among others. While this peace agreement was never fully implemented, the existence of these provisions shows that it is possible for women to advocate for the inclusion of these issues in future peace processes in South Sudan.

### **5. Conflict-related VAWG is often not sufficiently addressed in state-building and peace-building efforts. This leaves a lasting legacy of harm for women and girls who do not receive justice or reparations.**

Efforts to develop transitional justice mechanisms and reparations for conflict-related violence are often the most prominent aspects of VAWG efforts within SBPB process and have gone on to achieve notable successes. For example, Sierra Leone employed mixed modality transitional justice measures to facilitate peace-building. Judicial and quasi-judicial mechanisms are used in post-conflict contexts in the expectation that they will deliver accountability for survivors of violence, facilitate reconciliation between survivors and perpetrators, and overall support the movement from conflict to peace (Swaine, 2017).

Through this mode of peace-building, Sierra Leone has established a criminal prosecutions process and truth commission, both of which completed their mandates, and a reparations programme that is ongoing. Sexual and broader VAWG was included in the scope and remit of the Sierra Leone Truth and Reconciliation Commission (SLTRC). Specific measures ensured that women survivors were afforded participation in the research and hearings of the SLTRC, and that gendered harms were heard. In addition, the Special Court for Sierra Leone (SCSL) included charges for sexual violence in a number of cases, including the charges against Charles Taylor (UN Department of Peacekeeping Operations, 2010). Notably, the SCSL prosecuted 'forced marriage' as a distinct crime, recognising a new form of gendered harm that impacts on women and girls during conflict (Prosecutor v. Brima, Kamara and Kanu, Case No. SCSL- 2004-16-A, Judgment, 202, Feb. 22, 2008).

In all three contexts, there were significant challenges in implementing justice mechanisms and delivering promised reparations. In South Sudan, there was no transitional justice mechanism or plans for reparations for CRSV in the 2005 CPA. In contrast, the 2015 ARCSS made considerable strides in establishing mechanisms to acknowledge and address VAWG in its Chapter 5 provisions. However, as the peace agreement has yet to be implemented, these provisions themselves have not been implemented and women and girls have not been able to access the justice envisioned in this document.

**“Women say it is not easy to forget these pains... you see women today will still speak of it. We still have to do a lot of counselling in this aspect of the conflict and their experiences.”**

**Key informant, interview in Sierra Leone**

In Nepal, the Ministry of Peace and Reconstruction (MPR) oversaw transitional justice; its mandate being to link reparations, justice and post-conflict development (Aguirre and Pietropaoli, 2008). However, there is still denial around conflict-era VAWG and a lack of action to address this violence in the post-conflict period. Nepal's first national action plan failed to recognise CRSV, and key informants say that the lack of official mechanisms for women to lodge cases has left key conflict-era issues unresolved and is fuelling resentments of the current political balance. Although the CPA called for a truth, reconciliation and healing commission (TRC), it was not legislated until 2014 and its independence and capacity to investigate are questionable. Confidence in the TRC is low and key informants in Nepal noted that it was likely to fail. In the absence of an effective TRC process, informants highlighted the need for alternative mechanisms to bring justice and support to survivors, such as storytelling or a reparation process. The promise of a formal legal process in this context was perceived as deterring the emergence of homegrown or localised reconciliation mechanisms.

Similarly in Sierra Leone, a 'hierarchy of harms' emerged in terms of the ways that post-conflict accountability for VAWG is advanced. First, the mechanisms used to facilitate justice focused solely on discrete acts of violence by armed actors. While accountability for these acts of CRSV is needed, the relationship between sexual and other forms of VAWG in conflict situations was not focused on. This, according to key informants, relegated other forms of violence beyond CRSV as 'lesser' forms of violence. Second, women who experienced CRSV often experienced exclusionary outcomes compared to survivors of other forms of conflict-related violence. For example, informants noted that a vast majority of women in Sierra Leone who had registered as sexual violence survivors have not yet received the reparations that they were entitled to. Survivors of CRSV were deprioritised in comparison to survivors of other conflict-related abuses, who received full reparations. In addition, during the process of DDR, male combatants received five times the amount of money as reparations, suggesting that the provision of recovery resources benefited men vastly more than women (Williams and Opdam, 2017).

### **6. The post-conflict period provides an opportunity to advance policy and legal frameworks that address VAWG. Subsequently, this work offers opportunities to achieve broader policy change, national level advocacy and international mechanisms of support.**

All three case study countries have ratified significant global frameworks that address gender equality, such as CEDAW. They have also developed NAPs on women, peace and security, and Sierra Leone and Nepal have developed NAPs on GBV. Significant legal and policy advancement in each country came after the cessation of hostilities, suggesting that the post-conflict period is a moment where considerable legal and policy progress can be made on VAWG through peace and state-building processes.

Sierra Leone has made significant gains in establishing an enabling structural environment to address VAWG through SBPB. These include the adoption of new legislation to regulate VAWG, the development of national planning tools specific to gender equality, and gender mainstreaming across government policy, such as the Poverty Reduction Strategy Papers (PRSP). A women's law agenda was established after a 2003 conference on women's issues stemming from the conflict. As a result, a series of three 'gender acts' were adopted for the regulation of gender inequalities and VAWG, including the Domestic Violence Act, the Devolution of the Estates Act (which considers women's inheritance and outlaws levirate marriage), and the Registration of Customary Marriage and Divorce Act (which raises the age of marriage). In addition, the Child Rights Act and the Sexual Offences Law were also put into place after the cessation of hostilities.

**“There is political will to support addressing VAWG but not the commitment [of resources] to do so.”**

**Key informant, interview in Sierra Leone**

In Nepal, following civil society advocacy on VAWG supported by women parliamentarians, the prime minister declared 2010 the 'Year Against GBV' and created two units to address gender equality and VAWG. In conjunction with the Ministry on Women, Children and Social Welfare, the units adopted a National Plan of Action on GBV, which focused on prevention and prosecuting perpetrators; this led to standard operating procedures to handle VAWG. Informants noted that political actors were competitive about driving change on gender; therefore, policies housed in the prime minister's office have been progressive.

After the CPA in Nepal, NGOs lobbied for legal reform related to VAWG. This work led to key gains, including the following acts: Human Trafficking Act 2007; Domestic Violence Act; Sexual Harassment in the Workplace Act 2009; Elimination of Torture and Witchcraft Act; and a 2015 act to enhance gender equality and combat GBV. The interim constitution prohibited GBV and two major laws related to VAWG were introduced. The 2006 Gender Equality Act stated that perpetrators of rape should pay for mental and physical damages to the survivor, and the 2009 Domestic Violence Act recognised domestic violence as a crime punishable by law. Informants noted that political instability since the end of the conflict created competition to demonstrate progress at policy level, including policy on gender equality. However, this instability and a frequent turnover of power holders also presents a barrier to increased individual or institutional capacities within government. The restructuring of governance under the new constitution also means that progress to date may be disrupted.

In South Sudan, a National Gender Policy has been developed to guide the work of the Ministry of Gender, Child and Social Welfare (MOGCSW), as well as gender policy throughout the country. In the statutory legal code, IPV is not explicitly codified into the legal framework and the forms of violence that are acknowledged by the law are rarely prosecuted in courts. The Child Act sets a legal age of marriage and establishes the punishment for child rape. However, while the legal age of marriage is 18, this is typically not enforced (Kircher, 2013). Legally, the Penal Code of 2008 sets a broad definition of rape and heavy punishments, including up to 14 years in prison. However, it denies rape within marriage and does not lay out punishments for domestic violence (Clancy, 2012; US Department of State, 2013). The constitution also enshrines the importance of the customary legal system at community level. This forms parallel formal and customary legal systems which often reduce VAWG to a 'second tier' crime that's adjudicated by local chiefs who have limited legal training and typically accept VAWG. While there is no standard codified set of customary laws, informants noted overall that these laws are seen as supportive of patriarchal norms and biased against survivors seeking justice. For example, unmarried survivors of rape are often made to marry the perpetrator of the rape under the customary system.

**7. Service delivery to address and reduce violence against women and girls is insufficient in post-conflict contexts, reducing trust in and the legitimacy of state structures meant to provide services. Lack of government capacity in key ministries and departments at national and sub-national level means that legal and policy advances have not been operationalised.**

There are considerable disconnects between the policies adopted at national levels and the realities on the ground. This was reflected throughout each country by a lack of services that focus on preventing and responding to VAWG. Although change at the policy level has sometimes been impressive, each context showed that this has not translated into real change for women and girl survivors or led to a decrease in violence. For example, policy initiatives have not been followed up with a commensurate investment in large-scale efforts to change social norms in communities to prevent VAWG. Without wider efforts to change social norms, gains in legislation, or even positive changes in gender norms during the conflict, risk getting rolled back, unravelling or not being sustained post-conflict. Whilst informants in each case study noted programmes to change social norms are ongoing in some communities, there are gaps in terms of ability to implement these programmes on a large scale.

Each country has a Ministry of Gender or local equivalent. However, these bodies are under-funded and under-prioritised within the scope of the government. For example, in South Sudan, key informants noted that the MoGCSW has little power and prominence compared to other national level ministries, whilst the National Gender Policy has not been meaningfully implemented. In addition, while ministries in Juba set national level policies, at state level Ministries of Social Development are responsible for the implementation of policies related to VAWG. In a multi-sectorial approach, this is done in conjunction with the Ministries of Interior, Health and Justice. These state level ministries do not report to their national counterparts, and informants said that national level policies often have little impact at state level.

In Sierra Leone, key informants consistently perceived gaps in the implementation of law and policy as a critical issue. The Gender Directorate, under the Ministry of Social Affairs, Gender and Children's Affairs (MSAGCA), was established after the end of the conflict but has been grossly under-resourced and under-staffed since its creation. It is posited that the interest in gender issues from the international community has prompted the government to leave that responsibility to donors (Swaine, 2010).

In Nepal, the Ministry of Women, Children and Social Welfare exists to protect the rights of women and children, and to promote gender equality. In 2010, two further units were created to address gender equality and VAWG. These were the Prime Ministerial Gender Empowerment and Coordination Unit in the Office of the Prime Minister and the Inter-ministerial Committee on GBV. They aimed to address VAWG through a cross-cutting approach that would overcome ministry silos (Colombini et al., 2016).

However, several informants said that responsibility declined in other ministries as a result of these new institutions. As of 2017, the future of the Ministry of Women, Children and Social Welfare was uncertain due to government restructuring under the new constitution, which highlights how broader state-building can potentially limit progress on VAWG. Compared to other conflict-affected settings, Nepal's response to VAWG has focused on IPV and domestic abuse rather than non-partner assault. Several pilot innovations have been promising, such as one-stop centres (Colombini et al., 2016). However, these remain pilots in the country and fail to address key barriers to women taking up services, and the evolving political architecture presents risks to progress in service provision.

**Box 4: Development and implementation of national action plans**

Nepal and Sierra Leone have NAPs on GBV, and all three countries have NAPs on the United Nations Security Council Resolution (UNSCR) 1325 on WPS. However, a number of issues highlight the difficulties inherent in these plans. These include divisions between NAPs on GBV and WPS (and between those implementing NAPs on WPS and service providers preventing and responding to VAWG); inconsistencies on whether to address CRSV and how it should be done; poor resourcing and leadership; and a lack of knowledge of the plans outside a country's capital.

Nepal was one of the first countries to develop a NAP on UNSCR 1325 on Women, Peace and Security. The first NAP attracted international donor support and a high national profile overall. Successes under the first NAP included women's increased prominence in political leadership and government agencies, allocation of funds for VAWG, provision of shelters and livelihood support, and women's participation in decentralised planning. Integration of the NAP with other government plans was successful, and the plan provided a useful forum for coordination across government agencies. It also helped to leverage funds from the Nepal Peace Trust Fund (NPTF).

However, informants expressed that the overall implementation of the NAP was disappointing, and that key issues such as CRSV went unaddressed. In addition, there has recently been a decline in donor support. Despite the NAPs relatively high profile, implementation, and plans for a second NAP, have largely been led by the elite and those related to those in power. Grassroots organisations/people have had less understanding/input into the process. The

**“The National Action Plan is just a document, same as the National Gender Policy, no one is talking about it.”**  
Key informant, interview in South Sudan

new five-year NAP was near completion by the time of this research and mentioned CRSV for the first time, which will close a considerable gap in the first NAP. However, informants suggested that this willingness at the policy level will deflect international attention from the lack of action in implementing policies on CRSV, which it is assumed pose a threat to powerful individuals across the political divide.

In Sierra Leone, the NAP on GBV is a comprehensive planning tool for a multi-sectoral response to VAWG. It sets out multi-level initiatives, from implementation of laws, training of health and police personnel and support for justice for survivors. The plan, however, does not set out what forms of VAWG it addresses, and there is no recognition of the history of mass-scale sexualised violence from the conflict. There are no specific provisions related to addressing the needs of women and girls impacted by violence during the conflict, nor a joining up of approaches with the national action plan on UNSCR 1325 or initiatives such as the Sierra Leone reparations programme.

In South Sudan, a NAP on UNSCR 1325 was launched in 2015. While an important document guiding UN officials and practitioners in the SBPB arena, the ongoing conflict in the country has generally prevented the implementation of many of the activities envisioned during the planning phase, which was complete prior to the beginning of the 2013 crisis. The plan also does not reference the ongoing violence in the country. In addition, while the NAP is considered a guiding document amongst some peace-building practitioners, practitioners working on VAWG in Juba did not widely know about it. Members of the GBV sub-cluster, who provide many of the day-to-day services for women and girls who have experienced violence, were unsure how their work linked to the NAP.

## Health sector

In all three countries, key sectors that provide VAWG prevention and response services, such as the health sector, are weak; also, significant elements of service provision have largely fallen to international and national NGOs due to a lack of capacity and resourcing at government level. For example, informants in South Sudan noted significant gaps in the health sector in relation to the care of survivors of VAWG. This was due to limited training, staff and infrastructure. While there has been considerable international investment in ensuring the availability of clinical management of rape (CMR) services throughout South Sudan, according to service providers the lack of comprehensive health services and inconsistent delivery of drugs and supplies limit the reach of their services. However, there are new efforts to improve access to services for survivors of VAWG, particularly in population centres such as the capital, Juba, where a new 'one-stop' centre has been established at Juba Teaching Hospital (UNFPA, 2018). But the coverage of CMR services, and all health services, in rural areas and those affected by high levels of conflict remain lacking.

In Sierra Leone, despite mandates for the free provision of healthcare through the Domestic Violence Act and Sexual Offences Act, practitioners reported that many doctors and healthcare providers continue to demand payment from survivors of VAWG before providing care. The medical services that do exist are often difficult to access and are ill-equipped to respond to the needs of survivors of VAWG. Despite national level attempts to improve the health sector response to VAWG, service provision is not typically effective, particularly for rural women, as there is a lack of qualified clinicians to respond to rape and sexual assault. Even where access is available, informants noted that in the state health system there are no personnel specifically trained in rape response and health service provision for VAWG has largely been implemented by international and non-governmental organisations. For example, the IRC-established Rainbo Centres have been providing comprehensive medical and psychosocial responses, as well as referrals to the justice sector, for survivors of VAWG. While successful at service delivery, this model has struggled to shift ownership to the Ministry of Health (MoH) as the context has transitioned from conflict to peace. However, an independent 'Rainbo Initiative' was established to manage the centres and linkages to the MoH are increasing. This includes plans to open a new centre in the north of the country, with an approach that embeds government ownership from the start.

In Nepal, during the period following the conflict, the government shifted its approach to VAWG from criminal justice to a public health and human rights approach. The national plan of action adopted in 2010 created an overarching framework for addressing VAWG that included a health sector component. Led by the Ministry of Health and Population, it created a Gender Equality and Social Inclusion sub-unit. In 2011, it created 15 one-stop crisis management centres (Ministry of Health and Population, UNFPA and Nepal Health Sector Support Programme, 2013).

Expansion of this pilot was limited due to a lack of resources, and informants noted that the service provision of the centres is weak, as they are not set up for emergency intervention. Psychosocial support for survivors is gaining in popularity, but it is often short-term and the lack of formal training of service providers affects quality.

## Justice sector

In the justice sectors of all three countries there were significant challenges relating to the prosecution of VAWG cases. These ranged from practical barriers such as the costs and distance involved in travelling to and from court locations, to more strategic issues related to legal arguments over the need for forensic evidence, to community pressures on women to drop cases and resolve these within community processes. For example, in Nepal, a major barrier to justice for survivors of sexual violence during the period of conflict and beyond was the existence of a 35-day reporting limitation (this is now 180 days after extension by the Nepali Supreme Court) (Ganguly, 2014).

Existing legal frameworks, which are usually limited, are not often implemented on a community level, where customary law supersedes statutory. Customary justice systems emphasise mediation and reconciliation between the perpetrator and survivor, rather than prosecution. In South Sudan and Sierra Leone, most cases of VAWG, and particularly those that occur outside the capital, are adjudicated through customary legal systems administered by local chiefs. Informants noted that the coverage of formal courts is generally limited to population centres and barriers such as cost, lack of awareness, corruption, transport and stigma remain real obstacles that prevent women and girls from accessing these structures. Therefore, informal systems play important roles in providing access to justice processes, although they are inevitably inconsistent.

## Security sector

In each case study country, there have been some efforts within the security sector to provide specialised training for police and security actors to respond appropriately and provide effective support to survivors of VAWG. And in cases where trained police units and shelters exist, it has been shown that these two systems can work effectively together. However, there are a number of issues that affect reporting to security sector services. These include a lack of transport for both survivors and providers; a lack of geographic coverage by special VAWG units; a need to pay to access services; and a lack of formal justice processes that lead to the impunity of perpetrators.

In Sierra Leone, family support units (FSUs) exist as a structure within the police force, though a vast majority of the budget for these units comes from international donors. FSUs have standard operating procedures (SOPs) for handling sexual offences and domestic violence, and have tried to identify safe spaces in police centres where VAWG can be reported (Government of Sierra Leone, 2014). Informants noted that most of the referrals to VAWG shelters came from specially trained police. As such, there is some evidence that, when properly trained, law enforcement will work with service providers to support survivors of VAWG. However, in Sierra Leone, it was noted that specialist police who are trained by service providers on VAWG are often moved to other police departments, which means the likelihood of receiving an effective police response remains inconsistent.

In Nepal, during the period following the conflict, the security sector lacked the capacity to enforce laws concerning VAWG, and especially domestic violence (Sapkota et al., 2016). The Nepali police have 25 women and child services centres which aim to improve the handling of violations to women and children's safety, including sexual offences, human trafficking, child marriage and domestic violence (Asian Development Bank, 2010). However, women in Nepal reported that they feared losing *ijjat* (women's honour) if they reported offences, and a lack of trust in the police prevented them from accessing services. The police state they have fast-tracking options, confidential reporting and other gender-sensitive approaches, but they cannot act on cases of violence without a formally submitted complaint (Coyle et al., 2014).

In addition, significant administrative barriers in all three countries still exist that limit a survivor's access to services in all sectors, or discourage them from seeking appropriate support. For example, informants described that women are often required to complete paperwork (Form 8) with the police before seeking medical care in South Sudan, even though this is not a legal requirement; and in Nepal, there was a 35-day limit from the day of the crime in which women were allowed to report sexual violence (Ganguly, 2014). These barriers indicate that there is still a great deal that needs to be done to encourage and support women and girls who choose to report VAWG.

## 8. The work of women's rights organisations is essential if efforts to prevent and respond to violence against women and girls are to be prioritised in state-building and peace-building contexts.

Women's rights organisations in each of the three case study countries have had an impact on improving government policy and programmes. For example, these groups were seen by informants in South Sudan as key influencers in ensuring that transitional justice mechanisms were included in the most recent peace agreement. They were also involved in the National Dialogue Process on peace after the 2016 crisis, the National Women's Peace Dialogue and the development of the seven-point agenda on gender-responsive peace. According to key informants in Sierra Leone, work at the grassroots level to heighten awareness of legal rights and change behaviours in the use of violence has been largely led by civil society organisations. In Nepal, these groups successfully pressed for the establishment of the Domestic Violence Act and creation of the 'Year Against GBV' (Colombini et al., 2016); and they continue work that promotes women's participation in politics and government. Informants noted that these groups have been coming together in multiple different networks and forums to promote the implementation of UN resolutions on women, peace and security, and to input into the drafting of the new constitution. These are critical endeavours to make legal frameworks and policy a reality.

However, there still remains in all three contexts a vast gulf between educated elite women in population centres and rural women and girls. In addition, NGOs and civil society are providing leadership on coordination and policy at a national level and filling the gaps where ministries are weak and do not have the capacity to respond adequately. This use of NGO/civil society to replace the service provision mandate of the ministries is not a sustainable response to real budgetary and capacity issues faced by national and local ministries.

**“Staff that you train run away due to the conflict.”**

Key informant, interview in South Sudan

**9. Continued fragility and cycles of conflict continue to affect nominally ‘post-conflict’ contexts and the consistency and quality of programmes to address violence against women and girls and provide support services for survivors.**

The fragile nature of many of these conflict and post-conflict governments limits the ability of the state to provide consistent care during periods of crisis. This research found that, in most contexts, there are specific gendered impacts of new ‘shocks’ and services for VAWG are some of the first to be halted during these periods. This is consistent whether the shock is a new conflict, natural disaster or another form of emergency, such as the Ebola crisis. For example, in Sierra Leone, women and girls were often blamed for bringing the Ebola virus into homes and experienced more stigma and discrimination than men (Ministry of Social Welfare, Gender and Children’s Affairs, Statistics Sierra Leone, Oxfam GB, and UN Women, 2014). These new shocks may also destabilise hard won post-conflict gains for women and girls and increase their risk of experiencing violence, as well as reduce available services. In Sierra Leone, a National Committee on Gender-based Violence (NACCGBV) was established in 2006 to bring together organisations working on VAWG and generate cohesive and coordinated responses. However, the NACCGBV became defunct during the Ebola crisis and has not been re-established yet. While informants described that NGOs are filling the gap by establishing ‘community of practice’ workshops to share technical approaches, there has been little government involvement.

Similarly, a resumption of conflict and political instability in South Sudan has left the government unable to provide VAWG services. Some previously secure areas of the country, such as Equatorial states, have become engulfed in conflict, reducing the reach of formal government structures. Informants noted that trained staff who previously provided CMR services are now displaced and places where key services are accessed, such as hospitals and clinics, have been looted and ceased operating.

In Nepal, the earthquake of 2015 shifted the focus of the government and the international community from state-building and peace-building to humanitarian aid, which subsequently deprioritised responses to conflict-related VAWG. In addition, informants noted that personnel changes in the Nepalese government due to ongoing political instability has been a major barrier to building institutional capacity to address VAWG. Uncertainty related to the transition to a federal structure further slows the development of effective responses. In addition to the political schisms in the central government, clashes between regional and ethnic political groups continue in many parts of the country; these bring new risks of violence for women and girls.



Christina Holland/CARE



## Conclusions and recommendations

**1** SBPB processes must consistently apply a gendered lens so that complex linkages between conflict, gender inequality and VAWG are understood and addressed as core parts of broader SBPB processes.

Global policy frameworks and programming initiatives in post-conflict contexts need to do more to foster an integrated approach built on gendered analysis of conflict and peace-building needs assessments. Existing frameworks for multilateral processes, such as the OECD and the UN Sustaining Peace agenda, need to pay further attention to the gendered nature of conflict and its impacts, as well as the need for gendered approaches to peace processes and mechanisms used to advance SBPB. It should be made clear that gender and VAWG is central to SBPB processes and not simply an 'add-on' to address the specific needs of women and girls. Women should be equal participants to men in peace processes and peace-building/state-building processes in the aftermath of conflict, ensuring the gendered lens captures the experiences and needs of both men and women.

At the same time, specific provisions for addressing VAWG are required, including VAWG directly related to the conflict and violence that occurs during conflict and in peacetime. There is a need for dedicated funding for multi-level response approaches, both in acute emergencies and long-term complex emergency situations. More systematic approaches, including common terminology, across humanitarian, development and peace actors on gender issues, including VAWG, could help elevate and ensure coherence across the existing silos between different institutions and approaches. Improved linkages between those driving the WPS agenda in a country and those delivering VAWG prevention and response services are also required. For example, actors delivering VAWG prevention and response services could be involved in activities to develop and monitor NAPs on WPS.

**2** VAWG prevention efforts, such as the transformation of social norms and working with men and boys, should address VAWG holistically and not just as CRSV. This includes recognising VAWG during conflict and post-conflict as being inherently linked to the discriminatory and patriarchal contexts that pre-date the conflict and endure in its aftermath.

Current approaches within SBPB disproportionately focus on limited types of GBV, notably CRSV. SBPB approaches also limit their spheres of influence to the security and justice sectors rather than addressing VAWG as a holistic problem in society. All forms of VAWG, including CRSV, share the same core drivers of systematic inequality (economic, political, etc.), patriarchal social norms, and power imbalances. Specific interventions related to CRSV are required, such as preventing the use of sexual violence by armed actors, and protecting women and girls who leave population centres to gather firewood, or who farm in conflict-affected areas. However, it is important to take a comprehensive view of violence and employ holistic approaches to concurrently address acts by armed actors as well as those happening in women and girls' private spaces/lives, for example, IPV, forced marriage and FGM. Broad attitudinal and behaviour change is needed within the political system as well as within whole societies to remove patriarchal norms and insecurity as a key systemic barrier to addressing VAWG.

Prevention and response programmes that target whole communities (women, men, boys and girls) are needed to address these underlying power disparities. These programmes also have the potential to influence and affect wider community and inter-communal conflict dynamics by reducing the divide between public and private spheres of violence. Systematic change is needed, including establishing new, supportive legal and policy frameworks that address gender inequality and VAWG, and establish VAWG on an equal footing to other crimes and violent actions. The

transition from conflict to peace can be an opportunity to re-establish state systems and services, to drive change in norms and behaviours during broader social transition, and to establish VAWG as an issue to be taken seriously within government and broader society. Addressing inequalities within political systems is also needed to consolidate this.

In addition, the scaling up of initiatives to change social norms and behaviour is needed at a community level and within political systems to address patriarchal barriers that prevent women's participation, meet the needs of women and girls, and prevent VAWG. Specific strategies and adequate funding are needed to design and implement social norms work at a sufficient scale that it gains momentum across post-conflict societies.

**3 National and international actors should engage with political processes and actions that seek to prevent and respond to VAWG and are based on rigorous research and evidence. They should work to reduce political and other barriers that prevent decision-making based on evidence.**

There is a need to shift from political decision-making that suits the current power balance in post-conflict contexts to decision-making that best addresses the needs of women and girls. This could be advanced by better documenting the challenges that women and girls face in conflict and post-conflict settings, as well as developing programmes that aim to reduce violence and increase support for survivors, and which are based on evidence and best practice.

The effectiveness of current SBPB efforts to address VAWG has not been evaluated, leading to policy development that is not based on evidence. More empirical evidence is required on how effective SBPB efforts are in preventing and responding to VAWG in post-conflict settings, and how these improved services could build trust in government services and state structures in these fragile settings.

A shift from politically motivated policy-making to evidence-based policy-making could help bridge the gap between policy and impact. Improved quality and coverage of data on incidence and impacts of VAWG is needed to support this shift. Research on the effectiveness of service provision and preventative measures in post-conflict contexts, as well as research on the integration of efforts to address VAWG within SBPB processes, should further inform policy decisions.

**4 Transitional justice provision should be more timely, transparent, and supportive to women and girls seeking justice, including clarity around how it will specifically address VAWG. Appropriate and responsive forms of justice that are accessible to women and girls who need to access legal systems in remote areas should be prioritised.**

Delayed transitional justice processes and a lack of recognition of women and girls' experiences during the conflict fuel resentment, while promises of formal transitional justice processes that are unrealised may deter informal approaches that promote reconciliation and healing at the community level. For large-scale transitional justice efforts, a hybrid approach utilising and integrating both formal and informal systems is often recommended as the scope and capacity of formal courts or other justice mechanisms are often only able to prosecute a small number of perpetrators – particularly in contexts where mass conflict related sexual violence has occurred. However, efforts to significantly strengthen and reform both formal and informal mechanisms are needed as often these structures perpetuate gender inequitable norms and engage in victim blaming. Despite these difficulties, where possible, and where women and girls are interested, prosecution through formal mechanisms should be facilitated and formal justice systems should be strengthened to ensure that they provide justice that is acceptable to survivors and ensures real accountability of perpetrators.

Parallel legal systems (formal and customary) often have the effect of deprioritising the prosecution of VAWG cases, blaming victims and forcing women to engage with non-supportive, gender inequitable informal legal structures that do not have their best interests in mind, do not have a women's rights perspective and can further put them at risk of assault or retaliation. Therefore, formal justice systems and access to justice programming needs to be prioritised as part of humanitarian action. However, most importantly the voices and perspectives of women and girls in these contexts need to be prioritised. In areas where they report comfort and interest in using informal systems, and where it is not possible to fully expand formal systems in the transition period, efforts need to be made to help shape and develop 'hybrid institutions' that seek to combine formal and informal mechanisms to best address the needs of women in conflict and post-conflict contexts. This includes building the capacity of informal mechanisms to implement these systems in ways that address the inherently patriarchal nature of these structures, do not promote gender inequitable norms or engage in victim-blaming practices and neither re-traumatise nor stigmatise survivors, while linking with formal legal systems whenever possible. Women and girls should be consulted to establish what informal justice mechanisms can meet their needs in order to avoid mechanisms that prioritise families and communities at the expense of survivors. These efforts may help women and girls access justice and increase the reach of the rule of law in fragile contexts but should be evaluated for effectiveness and to ensure they effectively prioritise safety for women and girls. Reducing the impunity for perpetrators of violence – whether in the home or in the community – may also help reduce violence in all levels.

Furthermore, the interface between customary laws and practices and international legal norms requires more attention, so that women's preferred routes of seeking redress provide responses in line with human rights standards and to ensure that VAWG is acknowledged as a human rights violation.

**5 Donors and national governments should take longer-term and more coordinated approaches to ensuring that a comprehensive focus on VAWG is included in SBPB processes. This should include the integration of VAWG response services into state-run processes and the participation of women throughout SBPB.**

In the development of systems to address VAWG, policy frameworks should reflect deeper cross-planning and attention to linkages between conflict and post-conflict forms of violence. Existing frameworks on VAWG are often siloed, creating disparate responses and leading to the loss of cross-policy linkages. For example, NAPs on GBV and WPS are often developed independently of each other and do not build upon or link to activities they may share. These uncoordinated approaches prevent practitioners and policymakers from leveraging existing synergies around the prevention of conflict, CRSV and other forms of VAWG, which have multiple common drivers. By creating plans that are complementary, actors working in VAWG and SBPB would be better placed to comprehensively address VAWG. In addition, by explicitly delineating the roles of SBPB actors in NAPs on GBV, and conversely the roles of VAWG actors in WPS efforts, the need for SBPB processes to fully integrate responses to VAWG from the past conflict and in the transitioning context would be reinforced.

Disjointed donor funding mechanisms and siloed practices that artificially divide funds to services that respond to different aspects of VAWG at different times deter cohesive strategies and cross-working at both policy and implementation levels. The Sustaining Peace agenda and the Humanitarian-Development-Peace nexus agenda could better integrate gender and VAWG into their strategies and explicitly budget for these activities. At a minimum, this should involve implementing the actions laid out in the Inter-Agency Standing Committee's (IASC) guidelines on GBV. In addition, NAPs for WPS could act as key references to overcome silos between larger peace-building and state-building efforts and VAWG work; and mainstream SBPB agendas need to explicitly include gender and VAWG to a greater degree. Donors should also avoid ways of working that perpetuate siloed approaches.

**6 As part of multi-level approaches to SBPB (partly led by government, civil society and the international community), post-conflict states, supported by international partners, should provide more support services to effectively prevent and respond to VAWG. Specific support to promote governmental leadership on these issues is also required.**

State leadership is required to institute a structural framework of laws and policies that address VAWG and take concrete steps to increase the capacities of service providers such as the police and health facilities. A clear systemic response to this legislative framework through operationalising and resourcing laws and policies within multi-sectoral responses (health, justice, police) is needed.

While the international community can offer technical expertise and training, shifts in responsibility for service delivery from humanitarian and development actors to the states themselves need to be prioritised in the post-conflict period. It's also important during conflict and transition that VAWG prevention and responses services are carried out as part of multi-level initiatives (some led by government, some by local civil society and some by the international community). These efforts should not be siloed as only being the concern of the international community and governments need take up leadership on the issue and the mantle of service provision. Also, the allocation of resources to allow local governance structures to respond to local realities is crucial, as well as the reform of national level services.

These approaches should be implemented in coordinated and complementary ways to maximise impacts from grassroots to national levels. Support, in the form of capacity building trainings and financial support, is required to help governments institute these efforts. Specific initiatives are also needed to drive social change processes at community levels that allow services to be embedded and utilised.

**7** Conflict and post-conflict periods can be cyclical in nature; and continued shocks and changes in governmental structures in post-conflict periods may lead to reductions in service provision for VAWG. These issues should be acknowledged and included during SBPB planning and approaches.

'Shocks' are unexpected events such as further conflict, natural disasters and other high-impact events like the Ebola outbreak. Advance planning and preparation for these 'shocks' should be made and adequate responses identified to mitigate the effect on women and girls. Shocks can also be planned events, for example, changes to governmental structures such as the planned decentralisation process in Nepal or the formation of 23 new states in South Sudan. These structural shocks also have the potential of disrupting the provision of services. Efforts must be made to consider impacts on services, and to ensure oversight and good practice is maintained throughout the period of upheaval.

In line with good practice multi-level approaches, shocks could be planned for as follows:

**Structural** – national level coordination structures are required to share information on different forms of VAWG to address gaps in service provision and ensure that joint and coordinated planning and response is in place.

**Systems** – where systems, including health services, have shut down, response to sexual assault should be prioritised when they reopen. This could include supporting mobile health services and using available but unemployed trained workers in flexible ways. These service providers could also be used as entry points for survivors of other forms of VAWG (e.g. IPV), which have been shown to increase during times of conflict.

**Operative** – a gender and power analysis of the crisis detailing women and girls' experiences should be undertaken during/immediately after the specific event so that tailored responses can be put in place. Mandatory VAWG risk mitigation actions, which are already outlined for each sector in a conflict or broader humanitarian context in the IASC guidelines on GBV, need to be resourced and implemented to prepare for and respond to these shocks.

**8** Institutions that work on women's rights (government and civil society) play a significant role in efforts to eliminate VAWG and in the advancement of more peaceful societies. Efforts to build their capacity should be prioritised and opportunities to engage in SBPB initiatives should be supported.

The work of civil society organisations, particularly women's organisations and the women's advocacy movement, make a critical difference to whether and how issues such as VAWG become addressed in SBPB processes. Many of the gains made in the three case study countries, such as adoption of laws and policies, are clearly the result of civil society organisations and the women's movement's advocacy work and provision of technical expertise. However, often these groups are marginalised in SBPB process; as a result, women's rights agendas are not prioritised during the transition from conflict to peace. This means funding and capacity building for national and local women's machineries, including women's civil society organisations and coalitions of advocacy groups, is critical for the sustainable integration of VAWG issues into SBPB processes.

**9** Women and girls need to be empowered and supported to attain decision-making positions in governments, both at national and local levels. In addition, more training for policymakers is needed to make political systems less patriarchal and reduce the political violence against women who are in positions of power.

The evolving political architecture in all three case study countries (recent elections in Nepal and Sierra Leone, constitutional reform in Nepal, establishment of new peace agreements and potentially power sharing arrangements in South Sudan) presents opportunities to increase women's engagement in politics to ensure equal engagement of men and women. Women need support to engage in debate around women's needs and broader issues within the political system and civil society. Specific barriers to women's participation must be addressed, as quotas do not guarantee meaningful engagement. Patriarchal controls on political life, such as sexual harassment and violence against women in politics, must be addressed by a general shift in political culture as part of the democratisation process.







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# Annexes

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# Annex 1: Methods

## Literature reviews

First, a global review of the overall literature linking peace-building, state-building and violence against women and girls (VAWG) was undertaken in 2015. These search terms were used in major databases including PsychINFO, MEDLINE, PubMed, PAIS International and Worldwide Political Science Abstracts. Following this, additional literature was selected from organisations identified during the first literature search. This was done through Google and utilising networks in case study countries to identify grey literature and other potential sources to complement the academic literature. A total 205 initial global articles were identified after a review process by staff members of the Global Women's Institute (GWI).

Following this first phase of review, three focus countries were selected for case studies (South Sudan, Sierra Leone and Nepal) and specific literature reviews were developed for each country setting. Initially, a search of academic databases was conducted during March to May 2016. Search terms were selected to identify articles that discussed both violence against women and girls as well as peace-building/state-building in the three focus countries. A total of 108 papers and reports were identified through this process: 54 focusing on Sierra Leone, 29 on South Sudan and 25 on Nepal.

## Qualitative research

### Study population

Primary qualitative data was collected by interviewing and facilitating discussions with key stakeholders from each of the three case study countries. Key stakeholder groups included:

- Legal authorities (police, judges, etc.)
- Community leaders
- Ministry representatives
- Health service providers (nurses, physicians, counsellors)
- Women activists working on issues of VAWG prevention/response and/or women's rights
- Grassroots organisations working on women's rights and VAWG prevention/response
- Local staff of CARE and IRC, as well as other international and national NGOs.

All participants were aged 18 or older and deemed to have relevant local knowledge by the research team or the CARE or IRC staff members supporting the research. Due to logistical and budget constraints, all data was collected in each country's capital, limiting the research of the findings beyond these locations.

### Recruitment

IRC and CARE staff used purposive sampling to recruit individuals to participate in the study. The findings of the study were then corroborated and disseminated with all those who provided information and resources during the study.

## Participants

See Table 1 for details on the total number of participants for primary data collection in each case study country. In South Sudan, further analysis was undertaken on data previously collected for the *No safe space: A lifetime of violence for conflict-affected women and girls in South Sudan study*.

## Data collection methods

To gather information in a one-on-one setting with key informants, semi-structured interviews were conducted with key informants in all three countries. Semi-structured interviews have a pre-defined framework and opening questions that help guide the conversation towards answering the research questions, but still allow flexibility in the conversation. The interviews were conducted in English by trained researchers. Verbal consent was obtained from all participants prior to data collection.

## Data analysis and presentation

Data was analysed by applying the analytical framework developed for this study. Data was organised by the themes laid out on the framework by each of the three lead researchers per case study country. To ensure overall brevity in the final report, only the most relevant aspects (based on the specific research questions of the study and the specific country context) of the analytical framework were utilised in each case study country. Overall, themes and trends were then identified to be highlighted in the main report. All findings presented in the main report or case studies were collected via the key informant interviews or focus group discussions, unless this is specifically cited not to be the case.

**Table 1: Participants in qualitative data collection**

	Nepal	Sierra Leone	South Sudan	Total
<b>Total interviews and focus groups</b>	20	16	15	55
Key informant interviews				
International NGO representatives	5	2	7	19
Civil society representatives	5	7	1	10
Government/ministry representatives	3	3	4	12
UN representatives	6	1	3	11
Other	1	2	0	1
<b>Focus group discussions</b>				
Local VAWG practitioners/women's forum	0	1	1	1
Community members	0	0	1	1

# Annex 2: Analytical framework

SBPB processes	SBPB strategies addressing VAWG and gender inequality	Potential positive outcomes of stability and peace strategies to address VAWG and gender inequality
<b>I. Conflict resolution and peace processes</b>		
Peace process and outcome agreement	<ul style="list-style-type: none"> <li>Gendered conflict analysis informs the entire process, leading to the fulfilment of the following requirements:               <ul style="list-style-type: none"> <li>Gender balanced participation in the peace process.</li> <li>VAWG is included as a specific issue within the peace process and final peace agreement (e.g. inclusion of a mechanism for transitional justice and/or reparations).</li> <li>Gender equality and inclusion of women in governance reforms (e.g. adoption of quotas).</li> <li>Amnesties for VAWG during conflict are prohibited.</li> <li>Women's rights and VAWG are considered by transitional administrations and decision-making forums (e.g. development of new gender policies, legal frameworks around VAWG).</li> </ul> </li> <li>Conflict analysis and monitoring mechanisms include indicators on VAWG (e.g. tracking reported cases of CRSV, monitoring for escalations in patriarchal practices such as increases in costs of bride price, reduction of girls enrolled in school).</li> </ul>	<ul style="list-style-type: none"> <li>Gendered dimensions of conflict and peace are understood and addressed in peace process.</li> <li>Accountability for perpetrators of conflict-related VAWG.</li> <li>Reduced stigma for conflict-related and ongoing forms of VAWG.</li> <li>Improved understanding/consideration of women's rights and VAWG in governmental and decision-making bodies.</li> <li>Gender norms, relations and practices that disadvantage women and girls and increase likelihood of VAWG are identified and addressed.</li> <li>Behaviour-change communications including strategies to raise awareness of VAWG as an issue help to create peaceful homes and society.</li> <li>VAWG and attached stigma are recognised as potential triggers of conflict-related tensions.</li> </ul>

SBPB processes	SBPB strategies addressing VAWG and gender inequality	Potential positive outcomes of stability and peace strategies to address VAWG and gender inequality
Disarmament, demobilisation and reintegration programmes	<ul style="list-style-type: none"> <li>Gender norms, relations and practices that disadvantage women and girls and increase the likelihood of VAWG are identified and addressed (e.g. patriarchal practices and social norms such as forced marriage, wife inheritance, and discrimination in school enrolment).</li> <li>Specific provisions to respond to women and girls as combatants/ forced recruits/ forced marriages/sexual slavery (e.g. provision of psychosocial support, culturally appropriate livelihoods opportunities for women, healing and reconciliation services with families and communities).</li> <li>Specific provisions to mitigate against VAWG in home and communities by returning combatants (e.g. tackling drug and alcohol use during conflict period).</li> <li>Address gender roles in communities upon return of combatants and the displaced, particularly during community reconciliation efforts (e.g. social norm change programming specifically adapted to post-conflict period and the norms engendered by conflict).</li> </ul>	<ul style="list-style-type: none"> <li>Improved reintegration of women and girls associated with armed groups.</li> <li>Increased mechanisms and programmes to prevent perpetration of IPV and other forms of violence by returning combatants.</li> <li>Increased mechanisms and programmes that provide psycho-social support and reintegration for women who suffer negative experiences during conflict.</li> </ul>
Transitional justice	<ul style="list-style-type: none"> <li>Gender balance is achieved in procedural make-up of judicial or quasi-judicial mechanism, including reparation.</li> <li>Specific provisions to document and address VAWG and broader experiences of women and girls in the conflict (e.g. explicit inclusion of CRSV in transitional justice efforts, hybrid approaches that utilise formal and/or gender-sensitive informal mechanisms based what women and girls in the context find useful)</li> <li>Specific provisions to make connections to and address VAWG related to the pre and post-conflict period, including the establishment of justice systems that reduce or remove barriers to accessing justice for survivors of VAWG.</li> <li>Specific provisions to redress conflict-related VAWG, including reparation, fistula repair, long-term mental health support and programmes to address social stigma, reparation and compensation.</li> </ul>	<ul style="list-style-type: none"> <li>Reduced perpetrator impunity for VAWG in conflict and post-conflict periods by prosecuting perpetrators through the legal system.</li> <li>VAWG formally recognised as a crime, helping to debunk myths, stigma and health impacts that can lead to further exclusions and VAWG.</li> <li>Improved access to services (health, psychosocial, etc.) for survivors.</li> <li>Women and girls' experiences receive formal acknowledgement and reparation.</li> <li>Messaging from justice mechanisms that conflict-related VAWG is related to pre and post-conflict and discriminatory norms.</li> </ul>

SBPB processes	SBPB strategies addressing VAWG and gender inequality	Potential positive outcomes of stability and peace strategies to address VAWG and gender inequality
<b>2. Inclusive economic growth</b>		
Employment and livelihoods	<ul style="list-style-type: none"> <li>Economic interventions that stabilise households (e.g. cash transfers, livelihoods training programs, saving and lending programs, linkages to micro-credit).</li> <li>Economic interventions tailored to men and women, male and female ex-fighters and abductees (e.g. gender analysis for training opportunities so that members of both sexes have opportunities to find work that fits the cultural norms, encourage women and girls to peruse non-traditional occupations where they are interested).</li> <li>Reduction of barriers for women to participate in livelihoods programming and incorporation of gender into economic development initiatives (e.g. provision of childcare, flexible hours of trainings, women targeted for leadership training).</li> <li>Gender analysis used to understand and plan for a reduction in potential tensions between men and women in recalibration of roles post-conflict.</li> </ul>	<ul style="list-style-type: none"> <li>Increased empowerment and financial independence of women and girls.</li> <li>Increased number of interventions, including cash transfer programmes that reduce household financial stresses.</li> <li>Increased economic participation of women who were directly affected by the conflict.</li> </ul>
<b>3. Fair power structures and the policy environment</b>		
State-civic relationship	<ul style="list-style-type: none"> <li>Open and inclusive approaches are taken to proactively engage women and promote women in leadership positions across government to formulate laws, policies and strategies on VAWG.</li> <li>Clear consultation strategies with civil society, including women's organisations.</li> </ul>	<ul style="list-style-type: none"> <li>Improved relationship between governmental institutions and women's rights organisations.</li> <li>Civil society organisations that support survivors of VAWG are strengthened and funded.</li> </ul>
Voices of women and girls	<ul style="list-style-type: none"> <li>Specific VAWG forums are held that are tailored to be inclusive to women and girls (e.g. part of efforts to promote social dialogue between government, communities, civil societies, etc.).</li> </ul>	<ul style="list-style-type: none"> <li>Increased forums and campaigns that address VAWG and incorporate the perspectives of girls and women themselves.</li> </ul>
Policies and legal frameworks that specifically address VAWG	<ul style="list-style-type: none"> <li>Policies and strategies are adopted specifically to address VAWG (past conflict incidents and current incidents) in all sectors (gender, health, legal, security, etc.), including: standard operating procedures to manage cases of VAWG, use of one-stop centres to break down barriers for service provision, etc.</li> <li>Legal frameworks revised/adopted on VAWG and gender equality provisions (e.g. adoption of domestic violence laws, codification of marital rape as rape, consistent punitive actions across informal and formal legal structures).</li> </ul>	<ul style="list-style-type: none"> <li>Improved policies related to VAWG across sectors including national gender policies, protocols to care for and refer VAWG within the health system, policies to promote women and girls in security services, etc.</li> <li>Existence of national laws with associated criminal sanctions for perpetrators.</li> </ul>

SBPB processes	SBPB strategies addressing VAWG and gender inequality	Potential positive outcomes of stability and peace strategies to address VAWG and gender inequality
<b>4. Capable and legitimate institutions</b>		
Health sector	<ul style="list-style-type: none"> <li>Reform process includes provisions for gender balance and VAWG expertise in staffing (e.g. accessible female health staff trained in clinical management of rape).</li> <li>Specific measures in place to deal with health outcomes of conflict-related VAWG (e.g. fistula repair, HIV/AIDs and other STD testing and treatment, provision of mental health and psychosocial support).</li> <li>Budget for health sector efforts to address VAWG.</li> </ul>	<ul style="list-style-type: none"> <li>Increased number of health units that have adopted mechanisms to deal with health outcomes of conflict-related VAWG.</li> <li>Increased proportion of health staff trained to prevent and respond to VAWG.</li> <li>Existence of specific governmental budget allocated to VAWG within the health sector.</li> </ul>
Justice sector (and overall justice chain)	<ul style="list-style-type: none"> <li>Reform process includes provisions for gender balance in judiciary.</li> <li>Resources are attributed to make justice chain responsive to VAWG (past conflict incidents and current incidents), for example provision of gender desks at police units.</li> <li>Reform of informal justice systems to address patriarchal and victim blaming practices.</li> <li>Budget for justice sector efforts to address VAWG.</li> </ul>	<ul style="list-style-type: none"> <li>Increased justice for conflict-related and ongoing VAWG contributes to accountability deficit and peace.</li> <li>Increased number of women subjected to violence who report to the justice system.</li> <li>Existence of specific governmental budget allocated to VAWG within the justice sector.</li> </ul>
Security sector	<ul style="list-style-type: none"> <li>Reform process including provisions for gender balance in recruits.</li> <li>Academy curriculum includes modules on prevention and response to VAWG.</li> <li>Availability of expertise and resources to address VAWG (past conflict incidents and current incidents).</li> <li>Budget for security sector efforts to address VAWG.</li> <li>VAWG considered as an early warning indicator for recurring political tensions (e.g. monitoring reported cases of violence, rises in inter-communal tensions around bride price, marriage, or targeted abductions/rape).</li> </ul>	<ul style="list-style-type: none"> <li>Reduced VAWG perpetrated by security forces.</li> <li>Increased proportion of women enrolled in police and armed forces.</li> <li>Increased security for women and girls in the community and public spaces.</li> <li>Increased safety and mobility for women and girls, which increases contribution to the economy and public processes.</li> <li>Existence of specific governmental budget allocated to VAWG within the security sector.</li> </ul>

SBPB processes	SBPB strategies addressing VAWG and gender inequality	Potential positive outcomes of stability and peace strategies to address VAWG and gender inequality
Education sector	<ul style="list-style-type: none"> <li>Overall curriculum is revised in relation to gender stereotypes and inequalities.</li> <li>Issues of conflict resolution in curriculum include VAWG.</li> <li>Ensure gender balance among teachers and administrators and take measures to address VAWG in schools (e.g. gender segregated toilets, confidential reporting mechanisms for incidents of sexual exploitation and abuse).</li> <li>Budget for education sector efforts to address VAWG.</li> </ul>	<ul style="list-style-type: none"> <li>Existence of educational programmes that include actions to promote gender equality and prevention of VAWG, including modifications to the curriculum.</li> <li>Schools are seen as safe spaces for girls and VAWG isn't a barrier for attendance.</li> <li>Increased proportion of women in decision-making positions within the education sector.</li> <li>Existence of specific governmental budget allocated to VAWG within the education sector.</li> </ul>
Specific governmental ministry/department on gender equality/VAWG	<ul style="list-style-type: none"> <li>Ministry / department is adequately resourced and politically supported to drive actions to address VAWG (past conflict incidents and current incidents) and address root causes of VAWG, such as gender inequality.</li> <li>Budget for ministry/governmental efforts to address VAWG.</li> </ul>	<ul style="list-style-type: none"> <li>Increased ability for the state to build awareness of VAWG issues and offer response services.</li> <li>Increased national budget to address VAWG.</li> <li>Improved overall cross-government actions to address VAWG.</li> <li>Existence of specific VAWG and women, peace and security programmes.</li> </ul>

SBPB processes	SBPB strategies addressing VAWG and gender inequality	Potential positive outcomes of stability and peace strategies to address VAWG and gender inequality
<b>5. Supportive regional/global environment</b>		
International community supports the process politically and financially	<ul style="list-style-type: none"> <li>Regional, global and national frameworks on gender equality and VAWG are used for development of and implemented through SBPB strategies.</li> <li>Frameworks for multilateral processes, such as OECD and UN Sustaining Peace agenda, consider the gendered nature of conflict and its impacts.</li> <li>External funding is earmarked to support women's participation in SBPB and address specific issues of concern to women, including VAWG.</li> <li>External funding and political support are provided to post-conflict states to establish a national women's machinery.</li> <li>External funding and political support are provided for post-conflict states to fulfil international obligations, including CEDAW reporting obligations, and developing national action plans on VAWG as well as women, peace and security.</li> <li>Funding baskets are established to address VAWG programming, as well as attention to this issue through transitional justice mechanisms.</li> </ul>	<ul style="list-style-type: none"> <li>Global standards of women's rights are sustained through SBPB processes, inculcating inclusive and equitable processes which contribute to stability.</li> <li>Needs of women in SBPB are recognised by the international community and strategies to meet these needs receive funding.</li> <li>Global normative frameworks are adopted to national context and used as barometer for SBPB processes.</li> <li>Multi-sectorial response programming is in place and working to prevent and respond to VAWG, contributing to stability within and outside the home.</li> </ul>

## Annex 3: Nepal case study

### 1. Background

In 1996, the Communist Party of Nepal – Maoist (CPN (M)) proclaimed a 'People's War' when the government ignored demands relating to nationalism, democracy and livelihoods, the abolition of the monarchy and the promulgation of a new constitution. The Maoist insurgency came to control a substantial part of the country, particularly rural areas. Following unsuccessful attempts to negotiate a peace deal and reinstitute direct rule by the monarchy, divided political parties formed the Seven Party Alliance (SPA) coalition, which began to engage with the Maoists. This led to the signing of the Comprehensive Peace Agreement (CPA) in 2006. The decade-long conflict had claimed the lives of over 13,000 people. Numerous human rights abuses, including 'disappearances', were carried out by both sides. Many of these remain unaccounted for.

Since 2006, Nepal has moved through a post-conflict state-building and peace-building process and now views conflict as something in the past, although localised inter-communal conflicts remain. The government of Nepal is keen to focus on political evolution and long-term development strategies, whilst donors have shifted their focus from addressing conflict to other agendas such as gender equality and social inclusion (GESI) or inclusive growth.

#### The Nepal context: gender inequalities, violence against women and girls and conflict

Women, ethnic minorities and lower castes stood to gain from the Maoist proposition of a republic with redistributed wealth and land. The Maoist United People's Front had strong women's rights policies (Aguirre and Pietropaoli, 2008) and promoted women's empowerment by involving women in all aspects of the armed struggle.

**"Many women joined the Maoist movement with the expectation that it would advance gender equality; but these expectations have not been realised in the post-conflict period." Interview I**

Gender roles changed during the conflict, with women increasingly taking on traditionally male roles in the labour force and as leaders and commanders in the Maoist People's Liberation Army (PLA). Women formed less than 2% of the Nepalese Army but made up a reported 40%<sup>6</sup> of the PLA (Aguirre and Pietropaoli, 2008). They also supported the war effort by providing food and shelter to the PLA and not revealing its movements to state security forces. For rural women, the PLA provided opportunities to achieve empowerment, equality and justice (Yami, 2010). In the PLA, women learned a new 'liberation vocabulary' that encouraged them to question traditional gender roles (UNDP, 2010) and started to use the language of 'rights'. During the war, there was also an increase in the number of single mothers and women as heads of households, which further changed gender dynamics.

Violence against women and girls (VAWG), including conflict-related sexual violence (CRSV), was perpetrated during the conflict by both sides. However, this has not been acknowledged by either side because it may implicate people who are now in power (Human Rights Watch, 2014). During the post-conflict period, VAWG has been documented by the UN, international NGOs and civil society to build an evidence base and influence transitional justice mechanisms. For example, a joint programme between UNICEF and the United Nations Population Fund (UNFPA) used the entry point of health camps to document cases of sexual violence. However, such evidence was not appropriately utilised during the peace-building process.

<sup>6</sup> This percentage remains contested but is agreed to be at least 20%.



There has also been no systematic collection of data on the prevalence of VAWG occurring since the conflict ended. Data held in the Ministry of Women, Children and Social Welfare is inconsistent, partly because there is no systematic monitoring as part of government response services, such as one-stop centres or shelters. As with other policy areas in Nepal, informants noted that decisions around addressing VAWG appear to be politically expedient, as they're based on individual interests or in response to lobbying, rather than being based on evidence of need or what works for women and girls.

A series of small studies on VAWG exists, but they have no common methodology and are mostly of low quality. Existing data comes largely from civil society and UN efforts. Data collated by UN Women from existing sources found that although studies were not systematic, they indicated a high prevalence of VAWG. The local non-governmental organisation Sancharika monitors the media for reported cases of VAWG, whilst the Women's Rehabilitation Centre (WOREC) documents cases reported during the provision of services to women. At WOREC, 73% of cases reported are domestic violence cases, and the reporting of rapes has increased. Since 2016, the women's alliance Sankalpa has used community activists to collect data on sexual violence in 15 districts. This effort found that although awareness of violence issues was high, only 28% of violent incidents were reported to authorities.

All informants in the research concurred that only a small fraction of VAWG is reported through official channels. Most cases go unreported because women and girls lack access to or confidence in government services. In addition,

social stigma and fear of reprisal in their communities prevent survivors of VAWG from reporting violence. VAWG is considered an issue to be dealt with by families and communities, and most women go to community mediation services or counselling rather than legal services. This may lead to women being shamed or sent away, or the family or community deciding it is best to keep quiet for the sake of harmonious social relationships. Recorded rates of violence show a recent increase (NepalMonitor.org), reflecting a rise in reporting and not the underlying incidence of violence.

Despite the lack of systematic prevalence data, emergent patterns, forms of VAWG and new risk factors have been observed in the post-conflict period. Informants noted that women who returned from conflict have often been ostracised in their communities because they lived alongside male combatants; there was an increase in female-headed households due to conflict-related deaths and disappearances; and many conflict-affected women migrated to the city because they felt unsafe. More recently, massive outmigration of men for work abroad has increased the number of female-headed households, which often leaves women vulnerable to abuse within their communities. There are no in-depth studies on the psychosocial impacts of migration on men or women, as focus tends to be on the impact of remittances on the local economy. Women remain vulnerable after migrating to urban areas, particularly if they become involved with the 'entertainment industry' in Kathmandu. Additionally, there has been a suspected increase in trafficking of women and girls within and beyond Nepal, although this is difficult to accurately track, due to a lack of data (National Human Rights Commission – Nepal, 2016).

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## 2. Findings: linkages between violence against women and girls and peace and stability in Nepal

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Little research exists that explicitly connects VAWG and efforts to address VAWG with efforts to build peace and stability in Nepal. However, several key areas emerge as significant and reflect common assumptions.

A number of studies examine the impact of intimate partner violence (IPV) on mental health, including depression, anxiety and post-traumatic stress (Axinn et al., 2014; Sapkota et al., 2016). Others suggest that the economic costs of VAWG are significant because it deters women from participating economically. Further studies describe domestic violence used to threaten women who attempted to join the peace process (Moosa et al., 2013). However, in most studies, impact remains documented at the level of individuals and not in terms of the broader social economic and political impacts.

Several studies document that violence against women limits women's willingness to participate in local level peace-building, as well as in national and local level politics. Women have received death threats and experienced domestic violence for engaging in women's advocacy collectives (Moosa et al., 2013). Widespread violence against women in politics (VAWIP) hampers the democratic process envisaged by the constitution. Physical, sexual and verbal abuse is a deliberate tool to deter women from engaging politically. One survey found that 46% of informants believed that VAWIP deterred women from entering politics, and 54% named patriarchal control as a driver of violence because 'men don't want to lose to women' (UN Women, 2014). A formal complaint mechanism exists for gender-based violence in the election process, but more men (73%) than women (56%) are aware of it (Dhakal, 2015). During the 2013 election, 100% of female politicians reported experiencing violence, but only 60% filed a complaint (Dhakal, 2015).

VAWIP is largely unacknowledged by official institutions including the police and electoral commissions, and it receives little media coverage, reflecting a desire to protect elites (UNDP, 2014). There are few provisions that protect women from discrimination and no regulatory structures to enforce laws on political participation. There is a lack of sensitivity training for the Nepali police dealing with VAWIP, a lack of punishment for psychological violence, limited presence of female polling staff and security officers at voting sites, and a lack of enforcement of the 33% female-representation rule across all governing bodies (Dhakal, 2015). Lack of support from the police and judiciary, together with current patriarchal power structures and norms, allow violence against women in political processes to continue.

Limitations on women's access to power, together with female politicians experiencing gender-based violence, means fair elections are disrupted, and as a result, the constitution and plan for state-building are experiencing interference (Dhakal, 2015). Progress on gender equality under the CPA created patriarchal insecurity, which drives VAWIP (UN Women, 2014). Without broader attitudinal and behavioural change within the political system, as well as within the whole of society, the state-building process will not reflect the full participation of women from diverse social groups and will continue to fuel grievances.

**“Change in the political culture will only come when the younger generation enter politics, particularly as those currently in power are not grooming a next generation.” Interview I4**

VAWG was perpetrated by government security forces and male Maoist comrades during the conflict and when both parties were seeking power in the post-conflict period (Human Rights Watch, 2014). Despite an ideological commitment to gender equality, there was a gap between rhetoric and practice during and after conflict (Pettigrew and Schneiderman, 2004). The first NAP failed to recognise conflict-related sexual violence, and there is a lack of official mechanisms for women to lodge cases. This has left key conflict-era issues unresolved and is fuelling resentments of the current political balance. Informants noted that this lack of transitional justice means that survivors do not feel that peace has been achieved. There is also a lack of acknowledgement and support for children born from CRSV who are now reaching adulthood. Their needs have not been addressed, which is creating unresolved grievance among the next generation.

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## 3. Findings: integration of efforts to address violence against women and girls in state-building and peace-building policy and programming

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### 3.1 Conflict resolution and peace processes

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#### Transitional justice

In Nepal, the Ministry of Peace and Reconstruction (MPR) oversaw transitional justice; its mandate being to link reparations, justice and post-conflict development (Aguirre and Pietropaoli, 2008). Core programmes included psychosocial counselling to support the injured and families of the disappeared; this work led to the National Action Plan on UNSCR 1325 and the Relief and Subsidy programme.

Informants noted that psychosocial support is currently well funded, and will likely gain more emphasis in the future. The Relief and Subsidy programme, which was funded by the UN and USAID to provide subsidies to conflict-disabled men and women, was due to finish in 2017, and an assessment of ongoing support is now needed. Nepal has completed one cycle of work on UNSCR 1325/1820, and a revised NAP was near completion at the time of data collection. At the time of this research, the Ministry of Peace and Reconstruction was expecting to become a department under the Office of the Prime Minister. Several informants expressed uncertainty over whether reforms would lead to the needs of conflict victims being met to a greater or lesser extent.

The MPR had no local networks and relies on structures of the Ministry of Federal Affairs and Community Development and the Ministry of Women, Children and Families to implement localised activities. While local peace committees were set up to mediate peace on a community level and register those in need of compensation as reparation, no measures were set up to manage or report issues of sexual violence or domestic violence (Ganguly, 2014).

The Interim Relief Program offered financial reparations to those whose family members died during the war; but it did not assist survivors of sexual violence (Ganguly, 2014). Stated priorities of those eligible for reparations were compensation, education, basic needs and medical facilities, with only 3% being interested in punishment for perpetrators (Aguirre and Pietropaoli, 2008). Key informants reported that compensation levels were higher for those from the government side (particularly those in the army) than those from the Maoist side, which featured a much higher proportion of women.

One survey by the International Center for Transitional Justice found that 78% of human rights violations during the conflict were perpetrated by men; yet other reports have estimated that as little as 1% of rape cases were reported because of the stigma attached to rape (Aguirre and Pietropaoli, 2008). Several case studies note the failure of the government's transitional justice programme to account for the social pressures and stigma women face related to sexual violence and subsequently their access to justice (Ramnarain, 2015; Ganguly, 2014). Informants consistently stated that most sexual violence, whether during conflict or afterwards, is not reported. They also revealed that the main barriers to women seeking justice are negative/harmful social norms and practices; stigma; desire for social harmony and fear of reprisal, from either the perpetrator, family or community; and lack of trust in the justice system.

Aside from social stigma, the existence of a 35-day reporting limitation<sup>6</sup> for sexual assault and torture prevented survivors of sexual violence from receiving benefits. It was also suggested by informants that it was not in the government's or PLA's interests to push for the prosecution of perpetrators, as individuals on both sides were guilty of these crimes. Redress mechanisms for sexual violence are slow and reported to be insensitive. Every traditional community has different justice mechanisms accepted by the state for civil cases. But informants also noted that these structures rule on criminal cases and do not liaise appropriately with formal mechanisms that should prosecute these cases.

A Nepal delegation attended the End Sexual Violence in Conflict global summit in London in 2014. Reportedly, this attendance gained momentum for the movement for justice for women, which led to the formation of a committee and the development of a guide on investigative processes. Key informants noted that some survivors want to use international courts or committees, but that this would need to be enacted through the government. However, there is still denial around conflict-era VAWG. Informants noted several cases in which influential individuals have publicly denied that government forces committed CRSV, with them solely attributing the Maoists as perpetrators.

Informants noted that conflict-affected women do not expect much in terms of formal justice, but they would like recognition. Action for victims of conflict-related violence is fragmented through distinct civil society organisations for different categories of survivor, including former security forces, Maoist victims, relatives of the disappeared, widows, and survivors of rape. Women for Human Rights (WHR) has attempted to bring together all conflict-affected victims into a network recognised by UN Women and the government; however, there is still no common voice of those affected by the conflict. Informants described peace committees, established under the Ministry of Peace and Reconciliation (MPR), as highly politicised, ineffective at best, and often corrupt. NGOs work with these bodies, trying to advocate for women to have a role in them, but these committees are not fulfilling their mandate and the MPR was seen as distant from the people it served.

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6 This percentage remains contested but is agreed to be at least 20%.

In terms of restorative justice, some attempts were made within the peace process to provide livelihood support to conflict survivors, notably under USAID's Conflict Management and Mitigation (CMM) programme. However, very little of this went explicitly to survivors of VAWG and was instead channelled through local peace committees. Certainly, the need remains to empower women who are survivors of VAWG that was carried out during the conflict.

#### The peace process and the constitution

During peace talks, women were not formally represented yet gender equality was high on the agenda. There were no women negotiators in any of the three key stages of peace negotiation that resulted in the CPA, apart from the then assistant minister for children and social welfare, who had a note-taking role in the 2003 talks (Ariño, 2008). However, the CPA touched on women's rights and the interim constitution (IC) it established guaranteed 33% female representation in the constituent assembly (CA), the key body shaping the new constitution. The IC also addressed the rights of women in employment and the rights of single mothers and widows, and it enabled marginalised communities to enter the political space, including Dalit women who wanted to run for office.

**“The constitution led to impressive policy reforms in many areas which impact women, but several key elements that leave women and girls vulnerable were not addressed, for example, the issue of children not automatically gaining citizenship if they have a foreign-born father.”**

#### Interview 13

The advancement of women's rights under the interim and final constitutions was attributed to two critical factors: the strength of the women's movement in Nepal and the rhetoric of gender equality in the Maoist movement and PLA (Asian Development Bank, 2013). Prior to the peace agreement, informants noted that Nepali women were active in community peace-building and networks of Nepali women's organisations were formed to influence the peace agreement. For example, the Shanti Malika network of women's organisations brought together women from diverse political parties, strengthened women's involvement in peace-building, empowered women economically and socially, and addressed the violence perpetrated by Maoists and the state security forces. Today, there are several strong women's rights organisations within Nepali civil society. Whilst there is a tendency for women's rights organisations to be led by elite women in Kathmandu, several also have networks of grassroots activists who have the ability to mobilise women to influence government. The Maoist leadership asserted the need for equality for women and demanded an end to the feudal and patriarchal structure of Nepali society. On entering mainstream politics, informants noted that they continued to advocate publicly for women's rights and social justice. Thus, whilst supported by external actors, the initial impetus for addressing gender equality came from the parties in conflict, and the issues raised during the conflict itself.

#### Disarmament, demobilisation and reintegration (DDR) programmes

After the peace agreement, cantonments were set up for ex-combatants. The United Nations Mission in Nepal (UNMIN) verified about 19,600 as former combatants (von Einsiedel et al., 2017). In 2012, almost six years later, the cantonments were closed and the DDR process officially ended. During this period, women reported violence because guns from the conflict flooded their communities (Moosa et al., 2013). The DDR process took a considerable amount of time and met many difficulties, but some informants regarded it as successful. However, there is little evidence and analysis of the DDR programme from a gender perspective, including whether VAWG was addressed. However, it is broadly accepted that female combatants were sidelined in discussions about the rehabilitation and integration process (Goswami, 2015). An ongoing research project<sup>8</sup> (2016–2019) by the Nepal Centre for Contemporary Research (NCCR) and the Peace Research Institute of Oslo (PRIO) is focusing on the gender dimensions of DDR in Nepal and Myanmar, investigating the consequences of DDR processes for post-conflict gender equality, women and men's social inclusion, and women's rights. Issues of justice, reparation and reconciliation (especially for survivors of gender-based violence carried out by state security forces and the PLA) and broad security sector reform remain critical to ensure an inclusive democracy (Asian Development Bank, 2013).

Many women were platoon commanders but this did not translate into empowerment in the post-conflict period. The DDR process started from an assumption that women and girls would be excluded; and after the war, it was reported that most women did go back to traditional roles rather than receive appropriate support. Informants noted that many women were labelled as disqualified combatants, disparaged as lacking skills and education, and left vulnerable despite their roles in the conflict.

<sup>8</sup> Entitled Women's Peace: Gender Equality, Peace and Security in Nepal and Myanmar – <https://www.prio.org/Projects/Project/?x=1682>



Christina Gadriel/CARE Denmark

#### Nepal's Truth and Reconciliation Commission

Although the CPA called for a truth and reconciliation commission, it was not legislated for until 2014, and its independence and capacity to investigate were questionable. It was established for a period of one year, which was underway at the time of research, with the mandate renewable, depending on progress. However, confidence in the TRC is low and most informants noted that it was likely to fail. Additionally, informants noted that the TRC is politicised, making it hard for the international community to support it.

The first draft of the Truth and Reconciliation Bill allowed a loose interpretation of amnesty for human rights violations and was rejected following pressure from Nepali and international human rights organisations (Human Rights Watch, 2014). The amended bill, though still including amnesty for some crimes, specified that rape and sexual violence are not eligible for amnesty (Ganguly, 2014). Although the UN supports victim consultation and truth seeking, capacity and agenda setting, advocates are aiming to influence amendments to the TRC Bill.

In total, 58,000 cases were submitted to the TRC, although unofficial reports note that only about 300 of these were for cases of sexual violence (International Center

for Transitional Justice and Martin Chautari, 2017). Many informants commented that the centralised filing process of the TRC is wrong, and they are aware of comparative examples from other countries (e.g. Cambodia) where TRC teams visited districts to collect cases. There was no analysis of the kinds of cases filed, how many concerned VAWG, or whether this included CRSV. Welfare payments to the conflict-affected are expected to be taken up by the TRC, based on findings following the completion of reporting.

Informants also noted that the TRC process has been tiring for survivors who fought for it as part of the CPA. They waited six years for it to be established, and after 2.5 years see no real achievement. Survivors' expectations were raised and now they are frustrated with the lack of progress. In the absence of an effective TRC process, informants highlighted the need for an alternative mechanism to bring justice and support to survivors, such as a storytelling or a reparation process, rather than legal justice. It was noted that the promise of a formal process deterred the emergence of homegrown or localised reconciliation mechanisms, as people were hopeful of the formal process. However, there has been no widespread discussion on reconciliation, and there are few forums for women to gain acknowledgement about their experiences during the conflict.



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## 3.2 Power structures and the policy environment

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### Voices of women and girls heard and responded to: representation for women and girls in government

Following the CPA, proportional representation was introduced, but it was not clearly mandatory at all levels of government (Dhakal, 2015; Asian Development Bank, 2010). A third of the members of the first constituent assembly in 2008 were women, a notable gain on the 6% representation by women after the 1999 elections (Dhakal, 2015). The CA provided a platform for the women to bring their own concerns into the constitution-making process, and several women headed committees that informed this. The Fundamental Rights and Directive Principles Committee and the Committee on Natural Resources, Financial Rights and Revenue Sharing both proposed equal rights for women in the new constitution. Female CA members formed a women's caucus in 2009 to exert pressure on assembly committees to consider women's issues, including issues such as citizenship rights, inheritance rights, and equal rights to political participation. The women's caucus established a common position on gender in the draft constitution, new bills in parliament on domestic violence and inheritance, and a charter on women (Women's caucus, Constituent assembly secretariat, Nepal Law Society and International Institute for Democracy and Electoral Assistance, 2011).

Women's representation in the first CA has been hailed as the greatest achievement of the women's movement in Nepal through consistent monitoring and activism, supported by the international community (Upreti and Kolas, 2016). For example, the Women's Network for Peace and Justice, supported by USAID, engaged 11 women's networks in advocating for 33% female representation in government structures and the national peace process. However, the first constituent assembly was deemed ineffective in pushing women's agendas, despite numerical representation (Lohani-Chase, 2014).

The quota was criticised for being 'candidacy based' rather than 'results based', with parties having one-third female candidates but their leadership remaining dominated by men (Dhakal, 2015). It also failed to address cultural and systemic barriers to women's influence within the political system. In the 2013 election for places in the second constituent assembly, only 10 women won seats. This was partly due to tactics which denied female candidates appropriate tickets and fielded them in tough zones against high-profile male politicians. The environment for women in politics remained hostile and women lacked the resources to access elite political networks, while men continued to act as gatekeepers who decided which women would be nominated and where they would stand (Dhakal, 2015).

The new constitution of Nepal came into effect in 2015 and parliament elected Nepal's first female president, Bidhya Devi Bhandari, and its first female speaker, Onsari Gharti Magar. The constitution made provision for local elections, which took place in May 2017 for the first time in 19 years. The elections allowed women two seats in each locality. In most localities, this means a female deputy mayor with responsibility for local justice oversight. Informants noted that there are high expectations that women's representation in local politics will improve responses to VAWG at a local level, but the social values and expectations of these women still need to be challenged. The new system encourages accountability to secure re-election and people should find it easier to access power holders, but it will still take time for Nepal's political culture to evolve. According to informants, women in communities are already aware of local government funds for women but they need to attain local influence to access it.

Women's participation in broader party politics is also viewed as tokenistic, with women party members not being invited to key meetings (ActionAid, 2010) or represented in the central committees of national and regional parties. Key informants noted that they are also offered fewer high-level positions and afforded fewer interesting opportunities within their jobs (such as officiating, travels abroad for delegations, workshops, seats on decision-making bodies), and there are many critiques about women's performance in parliament. Patriarchal norms prevail within the political culture, reflected in the actions of both male and female politicians. At all levels of government, women's participation and power are limited.

**“Women support other women but do not challenge patriarchal power and increasingly adapt to established male political culture, trying to be more like men (in speech and dress) in order to gain respect.” Interview 17**

Women's collectives in Nepal are a recognised way to create safe spaces for women to discuss experiences of violence, build community, influence policy and contribute to the peace process (Moosa, 2013). Pressure from women's rights groups and work with the Ministry of Women, Child and Social Welfare led to the passing of the Domestic Violence Act; women's advocacy groups were also a key force behind Nepal's 'Year Against GBV' (Colombini et al., 2016). Organisations such as Women's Alliance for Peace, Justice and Democracy, and Women's Alliance for Peace, Power and Constituent Assembly (which became Sankalpa) played crucial roles in promoting women's participation in the constitution-making process. Sankalpa, Shantimalika, Sancharika Samuha and other NGOs have worked for the inclusion of women in the post-conflict political arena (Upreti and Kolas, 2016).

Women's networks continue to be active and evolve, with a focus on promoting the UN resolutions on women, peace and security. Sankalpa, an NGO incorporating 11 women's networks, works to gain support to implement the National Action Plan on UNSCR 1325, in coordination with the Ministry of Peace and Reconstruction. Women Acting Together for Transformative Change (WomenAct), a coalition of 36 women's NGOs and networks, drafted a charter for inclusion in the new constitution, encourages women to participate in the political process through advocacy, and educates grassroots women about transitional issues. These forums do bring diverse groups of women together; however, the Nepali women's movement, reflecting Nepal as a whole, is divided along class and ethnicity lines.

In addition, participation within the NGO sector is unequal too. Even where women are present at meetings, informants noted that men are given more time to speak; body language of male representatives conveys that they do not want women representatives to speak out; questions tend to be directed towards men; and when meeting notes are circulated, they are more likely to have men's comments included. Women are invited because the international community demands it, but, in reality, participation is often not meaningful.

### Legal and policy reform

Nepal has an active civil society, including a diverse network of women's rights organisations, that seeks to influence the formulation of laws and policies. After the CPA, NGOs such as the Forum for Women in Law and Development (FWLD) lobbied for legal reform related to VAWG. This work led to key gains, including the following acts: Human Trafficking Act 2007; Domestic Violence Act; Sexual Harassment in the Workplace Act 2009; Elimination of Torture and Witchcraft Act; and a 2015 act to enhance gender equality and combat GBV. In addition, the final constitution gave VAWG survivors the right to seek compensation, requiring legislation within three years under the Ministry of Women, Children and Social Welfare. According to informants, the legal process also improved, for example, cases have speeded up, confidentiality improved, and more allowance has been made for witness statements.

Legal change in Nepal has been progressive but implementation has been disappointing. Several civil society organisations are using courts to challenge VAWG, change policy and drive implementation of existing commitments. For example, FWLD supported public interest litigation in the supreme court to extend the time limit for reporting VAWG. In 2016, they won a case arguing that sexual violence in conflict should not be subject to the limit. A few cases where perpetrators have been charged have also raised hope of greater implementation; however, according to informants, a number of verdicts by the supreme and district courts have still not been implemented.

Government plans and policies integrate measures to address new incidences of VAWG, including the provision of counselling centres and crisis services. A key informant noted that the Prime Minister's Office should report on the centres and ensure legal provision. However, responses often do not progress beyond piloting. And although the UN has supported a considerable amount of government capacity building, this process often must start over again because of personnel changes caused by government instability. An issue an informant said led to the following consequence:

### “Change is therefore not institutionalised.” Interview 3

So far, it has proved impossible to break political influence on the security/judicial system, and this politicisation deters the reporting of violence. Civil society has tried to address this, for example, International Alert works with informal justice providers on gender and legal frameworks. These use the Common principles of justice published by the National Judicial Academy to influence informal justice institutions. Clarifying the role of local judiciary remains a challenge in addressing VAWG. Informants noted that the accepted approach to mediation tends to favour perpetrators who generally have more power and influence within their families and communities. Since 2017, the local judiciary is normally headed by a female deputy mayor. This localisation presents a window of opportunity, but it needs strong leadership by elected representatives and concerted action over the next few years to build capacity.



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Christian Gaudin/CAARE/Dominica

### National Action Plan on UNSCR 1325 – Women, Peace and Security

Nepal was one of the first countries to develop a National Action Plan on UNSCR 1325 – Women, Peace and Security, and is the only country in Asia to complete its NAP on time. The initial NAP attracted solid international donor support and gained a high profile nationally. This was due to the NAP being led by a politically connected media professional named Bandana Rana, who was appointed a member of CEDAW last year and given a distinction award by the UN Commission on the Status of Women in 2016.

According to informants, successes under the first NAP included women's increased prominence in political leadership and in government agencies; allocation of funds for VAWG; provision of shelters and livelihood support; and women's participation in decentralised planning. Integration of the NAP with other government plans was good, and it provided a useful forum for coordination across government agencies. It also helped to leverage funds from the Nepal Peace Trust Fund (NPTF), which funded 10 projects. The Ministry of Peace and Reconstruction supported the NAP, with its secretary/under-secretaries and joint-secretaries carrying out considerable international travel to conduct business related to the NAP. This work was funded by civil society, the UN and other donors. Development partners on WPS have had a piecemeal approach, and attention has declined because of focus shifts towards development and humanitarian response. There has not been a formal end of NAP evaluation but instead a period

of review, reflection and consultation has taken place. This is informing development of the next phase NAP.

Overall, key informants described the implementation of the NAP as disappointing, with key issues, including CRSV, not being addressed under the first phase. Nepal Peace Trust Fund management under the government was weak. Procurement processes, audit and frequent changes in government had negative impacts on implementation and informants noted it was impossible to monitor all activities. Donors were not accountable or transparent for funding decisions, and there has recently been a decline in donor support. In addition, informants were also concerned that the NAP was not well known at a grassroots level, as district level structures and civil society organisations have not been able to convey it well.

At the time of research, the revised NAP was near to being finalised. It mentioned CRSV for the first time and will be costed in an effort to overcome barriers to implementation of the previous plan. However, political influence on the NAP remains a challenge in the Nepalese context. Informants noted that power holders, who would be affected if CRSV is acknowledged, are supporting the development of the NAP but are not pushing for its implementation. While women's organisations have pushed for the NAP, women active in civil society are largely from the elite classes and often related to those in power; this presents a conflict of interest in reducing impunity. There is a sense from informants that a show of willingness to address CRSV at a policy level, through the NAP, will deflect international attention from the lack of implementation of the plan in the coming years.

## 3.3 Capable and legitimate institutions

### Gender and social welfare

The Ministry of Women, Children and Social Welfare exists to protect the rights of women and children and promote gender equality. Following civil society advocacy on VAWG, which was supported by female parliamentarians, the prime minister declared 2010 to be the 'Year Against GBV' and created two units to address gender equality and VAWG. These were the Prime Ministerial Gender Empowerment and Coordination Unit in the Office of the Prime Minister and the Inter-ministerial Committee on GBV. They aimed to address VAWG through a crosscutting approach that would overcome ministry silos (Colombini et al., 2016). However, several informants said that responsibility for VAWG issues declined in other ministries as a result of the two new units.

In conjunction with the Ministry on Women, Children and Social Welfare, the units adopted the National Plan of Action on GBV, which focused on prevention and prosecuting perpetrators, and led to standard operating procedures to handle cases of GBV. Informants noted that political actors were competitive about driving change on gender; therefore, policies housed in the Office of the Prime Minister have been progressive. However, as of 2017, the future of the Ministry of Women, Children and Social Welfare was uncertain due to restructuring.

Political instability since the end of the conflict has resulted in a series of coalitions in power. This has created competition to demonstrate progress at policy level, including on gender equality. As a result, policy reform on this area has been impressive. However, instability also presented a barrier to increased individual or institutional capacities within government, due to the frequent turnover of power holders. Informants noted that unstable politics contribute to an inability to build strong and institutionalised response mechanisms. The restructuring of governance under the new constitution presents a new form of instability and risks disrupting progress made to date to support women and girls. Whilst this process is welcome by key informants, it must be managed carefully.

### Health sector

In the period following the conflict, the government of Nepal shifted its approach to VAWG from a criminal justice to a public health and human rights approach. The first steps toward the Ministry of Health reframing intimate partner violence (IPV) as a health issue<sup>9</sup> came with the revision of the Safe Motherhood Plan in 2006, which shifted focus on IPV from care to prevention (Colombini et al., 2016).

The National Plan of Action adopted in 2010 created an overarching framework for addressing VAWG that included a health sector component. Led by the Ministry of Health and Population, it created a Gender Equality and Social Inclusion sub-unit. In 2011, this sub-unit created 15 one-stop crisis management centres (Ministry of Health and Population, UNFPA and Nepal Health Sector Support Programme, 2013). Expansion of this pilot was limited due to a lack of resources, and informants noted that the provision of these centres is weak. Key informants also stated that these sites are not set up for emergency intervention and survivors need to follow a month-long process to receive support, which can lead to re-traumatisation. In addition to government facilities, there are some centres administered by civil society. For example, Saathi opened its first shelter for women affected by violence in 1995 and currently operates in three locations, which are supported by the Ministry of Women. In 2012, the MoPH followed up with a five-year plan called the National Strategy and Action Plan on Gender Empowerment and End of Gender-based Violence. Whilst policy commitments have been impressive, informants noted that access to health services remains sporadic, as facilities are not widespread and services within them are inadequate.

Psychosocial responses to VAWG are gaining popularity, but they are often too small in scale and short-term in scope. Informants described that there is little professional support, and this support often amounts to just talking rather than formal counselling. One of the few professional organisations covering this area is the Transcultural Psychosocial Organization (TPO), which runs six-month courses for people who want to become counsellors. But a longer term, well-resourced approach to psychosocial support is needed to institutionalise these approaches.

<sup>9</sup> It had received attention as a criminal issue following a 2002 WHO report on violence and health.

## Justice sector

The interim constitution prohibited VAWG and called for a legal framework to address this violence. Two major laws related to VAWG were introduced following the conflict. In 2006, the Gender Equality Act stated that perpetrators of rape should pay for mental and physical damages to the survivor (Asian Development Bank 2010). In 2009, the Domestic Violence Act recognised domestic violence as a crime punishable by law; however, it also leaves the crime open to negotiation with police officers (Asian Development Bank 2010). A major barrier to justice for survivors of sexual violence during the period of conflict and beyond was the existence of a 35-day reporting limitation from the day of the crime (Ganguly, 2014). The Nepali Supreme Court recommended the repeal of this law, which resulted in the time limit being extended. Without a practical system for justice and reparations, women continue to stay silent about their assaults. Lack of victim and witness protection has further discouraged those who were raped or assaulted by police officers to come forward about their experiences (Ganguly, 2014).

The country's justice system comprises formal and informal mechanisms. However, according to the Nepal Bar Association, only 8% of the country's lawyers are female. Informants noted that citizens often lack awareness of and access to the formal justice system due to factors such as complexity, difficult geophysical conditions and affordability. Therefore, informal systems, which are often run by women, play important roles and can be effective. According to key informants, community mediation, paralegal committees and local peace committees are key transitional or informal approaches that fill the gap in formal justice provision and involve a significant number of women across the country. This makes justice provision accessible but inconsistent, as informal arrangements vary between ethnic groups across the country.

## Security sector

In the period following the conflict, the security sector lacked capacity to enforce laws concerning VAWG, and especially domestic violence (Sapkota et al., 2016). The Nepali police have 25 women and child services centres which aim to improve the handling of violations to women and children's safety, including sexual offences, human trafficking, child marriage, polygamy and domestic violence; ninety per cent of these centres were led by female officers (Asian Development Bank, 2010). However, all female interviewees<sup>10</sup> in one study said they would not feel comfortable reporting workplace harassment to one of the centres; even though there were cases in which the police had successfully dealt with domestic violence and exploitation. Women said they had a fear of losing *ijjat* (women's honour) if they reported offences, and they also had a lack of trust in the police. Police countered by saying they have fast-tracking options, confidential reporting and other gender-sensitive approaches, but they cannot act upon cases of violence without a formally submitted complaint (Coyle et al., 2014). Informants noted that all security force personnel now have a four-hour training session on WPS before peace-keeping missions and national deployment, which may improve interactions with women.

## Supportive international environment

The attention of the international community on women's rights appears to have encouraged the trend towards the inclusion of women in politics in Nepal. Key informants noted that there is scepticism about whether this is simply a 'donor driven' agenda, with some suggesting that women's rights has become an area in which political parties aim to 'out-do' each other in the eyes of the international community.

Much of the donor support is not framed under a peace and security theme and instead conflict issues are dealt with as part of gender and social inclusion (GESI) efforts. Donor priorities have also shifted towards good governance, migration and trafficking, and inclusive growth. Many international NGOs increasingly work with a strong focus on women, including Oxfam, Care, Plan, Saferworld and International Alert. USAID has a portfolio on trafficking which addresses VAWG. Funding for VAWG work comes from organisations including UN Women, the Governance Facility (DFID and Swiss), short embassy programmes, foundations, CARE Nepal (on I325), and the Asia Foundation.

Aid programmes also shifted significantly in response to the earthquake in Nepal. The response to this crisis put strain on existing services. Additionally, informants noted that despite commitments to gender within the government of Nepal and the donor community, gender was not well integrated into early response to the earthquake and women and girls were exposed to new risks.

Many civil society organisations such as FWLD use the CEDAW framework and international advocacy forums to advocate at community, national and international levels. The international community continues to support this use of international legal instruments. Overall, key informants saw donors as responsive to issues around VAWG, but they are perceived as being more interested in policy influence than providing direct support to survivors.

## 4. Conclusions and recommendations

Nepal is viewed by many as 'successful' in its transition to post-war women's empowerment. The turmoil of the decade-long armed conflict and the rapid changes in social and gender dynamics that followed are viewed as paving the way for landmark achievements in post-war women's inclusion in politics (Upreti and Kolas, 2016). However, although change at policy level has been impressive, it has not translated into real change for women survivors or led to a decrease in violence.

At a policy level, Nepal's government has embraced VAWG as a major issue. This, in part, is due to the rhetoric of gender equality espoused by the Maoists during the conflict, which was carried through into the peace process and post-conflict political discourse. Pressure from women's groups and the international community, as well as competition between political parties seeking the women's vote, has also increased attention on VAWG.

Nepal's response to VAWG has focused on IPV and domestic abuse rather than non-partner assault, which has occurred in other conflict regions. It has received notable attention as a health, security and justice issue. Several pilot innovations have been promising, including one-stop centres providing health services to women, and women and children's centres contained within police facilities. However, these initiatives have been implemented on a small scale and failed to address key barriers to women taking up services. The evolving political architecture also presents risks to progress in service provision and needs careful management to ensure appropriate support and oversight for these services within a decentralised system.

In Nepal, there has been little attention to women's experience of CRSV, which has not been acknowledged publicly by either side involved in the conflict. However, CRSV has been included for the first time in the country's second NAP, but it remains to be seen whether this brings any form of justice for survivors, as the issue remains politicised.

Transitional justice needs to be more timely and transparent, including clarity around how it will specifically address VAWG. Informal justice processes should be encouraged alongside formal mechanisms. In addition, there should be greater investment in restorative justice, including the provision of economic alternatives for women. The approach to justice should be survivor-centred, so women and girls feel a sense of justice through whatever mechanisms are put in place.

Inclusion of women in the political process is felt to be tokenised and faces direct resistance and deliberate violence. In addition, when the presence of women is accepted, their voices are often ignored. The existence of physical and non-physical violence towards women is a key factor limiting their participation in politics and governance at local and national levels. Consequently, this violence is also a barrier to the realisation of the democratic process, which was a key issue in the conflict.

The political architecture of the post-conflict period presents opportunities to increase women's engagement in politics. Women should be supported from within the political system and civil society to participate and engage in debates around women's needs and broader issues. Specific barriers to women's participation must be identified and addressed, as quotas alone do not guarantee meaningful engagement. Patriarchal controls on political life must be addressed through a general shift in political culture that's part of the democratisation process. Significant changes in the political structure and process require additional support, for example, supporting women candidates within new local electoral processes.

Overall, Nepal struggles to consolidate peace. The DDR and security sector's reform processes were incomplete and failed to address the needs of women combatants. The delay in transitional justice and lack of recognition of the experiences endured by women in the conflict has fuelled resentment. Promises of a formal process deterred informal approaches, and there now seems little hope to achieve justice for VAWG perpetrated during the conflict era.

Ongoing political instability in the Nepalese government, which has often resulted in personnel change, has been a major barrier to building institutional capacity to address VAWG. Uncertainty due to the transition to a federal structure further slows the development of effective responses. In addition to the political schisms in the central government, clashes between regional and ethnic political groups continue in many parts of the country, which bring new risks.

The evolving political and governance architecture also presents risks to emerging pockets of good practice in response to VAWG. Specifically, the decentralisation process under the new constitution presents a disruption to health and security provision due to responsibilities being devolved to the local level. Early efforts must be made to consider the impacts this could have on services, as well as how oversight and good practice can be ensured within the changed order.

Good practice in addressing certain forms of VAWG should not detract attention from areas where it is deliberately not addressed. Whilst progress in addressing ongoing incidences of VAWG and impressive legal reform are to be heralded, weaknesses in implementing these reforms and the lack of progress in addressing conflict-era VAWG should not be allowed to slip off the agenda.

Policy-making in Nepal is often based on politics and elite groups of people, rather than evidence of what is needed or what would be effective. There is a need to gather more accurate data on VAWG, and to encourage action based on this data. It is essential to address the political barriers to real change at policy level and implementation. A shift from politically motivated policy-making to evidence-based policy-making could help bridge the gap between policy and impact. This must be supported with efforts to improve the quality and coverage of data on incidence and impact of VAWG, and the effectiveness of service provision and preventative measures. Data must be utilised appropriately to underpin further responses.

10 Unstated sample size.

# Annex 4: Sierra Leone case study

## 1. Background

Preceded by a long period of colonialism and independence characterised by coups, corruption and exclusionary systems of governance, the civil war in Sierra Leone began with an attack in February 1991 from the Liberian border. This was led by Foday Sankoh's Revolutionary United Front (RUF) and backed by Charles Taylor's National Patriotic Front for Liberia (NPFL). In 1999, the Lomé Peace Accord was signed and resulted in the deployment of a UN peacekeeping force. However, this force failed to secure the disarmament of active armed groups. Armed forces of the United Kingdom then intervened with a bolstered UN mandate, which resulted in the end of fighting in 2002, 11 years after the conflict started.

The cessation of these hostilities has been followed by an ongoing period of recovery and transition. Periodic political violence linked to elections still occurs, and there is evidence that sexual violence against women continues to be a part of public political violence. Two political rallies in 2009 and 2010 which took place in advance of elections resulted in physical violence and the alleged rape of women. Eruptions of political violence appear to pose continuing threats to women's security (Swaine, 2012).

Alongside political violence, natural and public health disasters have also affected the country, and women and girls in specific ways. For example, women had a higher infection rate of Ebola than men during the outbreak of the disease in 2014–2016. This was because of gendered social practices that increased their infection risk. These practices included providing care to family and community, participating in rituals associated with death and burials, expected sexual activity with infected spouses, and a lack of access to information (Ministry of Social Welfare, Gender and Children's Affairs, Statistics Sierra Leone, Oxfam GB, and UN Women, 2014). Women are also estimated to have experienced significantly more stigma and discrimination during the outbreak. This included blame for bringing the virus to families and accusations of witchcraft. As a result, women were forced to leave their homes, exposing them to further risks, displacement and lack of income and livelihoods (Ministry of Social Welfare, Gender and Children's Affairs, Statistics Sierra Leone, Oxfam GB, and UN Women, 2014).

Despite continued challenges, Sierra Leone has achieved significant advances in state-building and peace-building (SBPB) through its transition from conflict. Its approaches to SBPB have, to varying degrees, addressed the ongoing challenge of violence against women and girls (VAWG). Successes in these approaches are evident, while many challenges still remain.

### The Sierra Leone context: gender inequalities, violence against women and girls and conflict

Women and girls in Sierra Leone experience violence throughout their lives. In terms of estimated prevalence among ever-married women, just over half (51%) of them who are aged between 15 and 49 have experienced some form of physical, sexual or emotional violence by a husband or live-in partner. It is estimated that 40% of women have sustained injury, with 8% experiencing serious injuries such as wounds and broken bones or teeth. Both men and women are more likely to seek help from family members than police services, with only 4% of women and 7% of men saying they would contact the police if they suffered violence (Statistics Sierra Leone and ICF International, 2014). School-related sexual abuse has been documented in the education system (Concern Worldwide, 2010). Harms such as early and forced marriage are practised (SLANGO, 2007), while female genital mutilation/cutting (FGM/C) is prevalent, with 94% of women and girls affected in rural areas and 81% in urban areas (UNICEF, 2016).



Women and girls' status and rights in Sierra Leone, and their experiences of violence, are influenced by a range of factors. Poverty contributes to sustained inequalities and violence. Ranking 179 on the Human Development Index, 53% of the population is ranked as 'poor', (UNDP Human Development Index, 2015) with life expectancy at 49 years for men and 51 years for women (World Health Organization, 2015). Marriage and family relations also operate in ways that are often discriminatory for women. Marriage for many, particularly in rural areas, is dominated by the decision-making of male family members, and 'ownership' of children is conferred on fathers. In addition, levirate marriage is common in some rural areas (McFerson, 2012), and 28% of Sierra Leone households are headed by women. In addition, women have lower literacy rates and education levels than men, with 56% of women and 40% of men having no formal education (McFerson, 2012; Statistics Sierra Leone and ICF International, 2014). Women also have very low levels of political participation compared to men, with women holding 12% of parliamentary seats (Government of Sierra Leone, 2014).

In Sierra Leone, women and girls also continue to deal with the impacts of conflict in the country. The report of the Sierra Leone Truth and Reconciliation Commission found that women and girls have experienced many forms

of conflict-related sexual violence (CRSV). These include rape, gang rape, sexual slavery, torture, abduction into armed groups, sterilisation, forced pregnancy, destruction of pregnancies, forced marriage, forced cannibalism, trafficking, and sexual exploitation and abuse in sites of population displacement (Sierra Leone Truth and Reconciliation Commission, Vol. 3B, 2004). Many women bore children as a result of sexualised violence and experienced vesico-vaginal fistula (VVF) (Coomaraswamy, 2002); they also continue to experience enduring trauma which remains present in their lives today (Ministry of Social Welfare, Gender and Children's Affairs, 2015).

Since the cessation of the conflict, women associated with armed groups (some were abducted into the groups and some joined voluntarily) have struggled to leave those groups safely, reintegrate themselves into their home communities and secure economic viability after exiting a group; they have also had to cope with social ostracisation (Coomaraswamy, 2002). Communities continue to associate many women and girls who suffered CRSV, and particularly those who bore children, with armed groups; this has led to these communities socially ostracising them (Government of Sierra Leone, 2014).

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## 2. Findings: linkages between violence against women and girls and peace and stability in Sierra Leone

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Approaches to SBPB in Sierra Leone since the end of the conflict have included: disarmament, demobilisation and reintegration (DDR) programmes for former combatants; mixed modalities of transitional justice; full reforms of institutions such as the military and police; reconstruction of health and education systems and services; reform of legislation; and elections towards multi-party democracy and new governance structures.

For some civil society actors in Sierra Leone, the levels of violence against women and girls (VAWG) today indicate that this issue has not been sufficiently integral to SBPB processes. Many see the rates of VAWG as a measure of the quality of peace that has been achieved.

**“For me, addressing VAWG should be part of peace-building... it was not regarded as part of peace-building, that’s why we see it now; at times there’s some rape cases that you hear that it just leaves you speechless.” Interview 3**

**“If homes are peaceful, the community will be peaceful and the nation will be peaceful.” Interview 5**

For many people in Sierra Leone, there is a desire for a peace that is absent of VAWG.

**“The link is there when you are you are talking about violence against women, you are talking about sustainable peace; when you have a happy home, you have a happy community.” Interview 11**

Among non-governmental policy activists, there is an acknowledgement that high levels of domestic violence put a pressure on how they view the actual level of peace-building achieved in Sierra Leone. The linkage between levels of violence in the private sphere and those in the public/political sphere informed many actors’ views on the current statutes of SBPB and what it has and has not achieved.

A strong opinion from many people consulted for this research, and in the previous research of Swaine in 2011, was that they contest the idea that Sierra Leone is a ‘post-conflict’ context. It has been 15 years since the end of the conflict and some informants were focused on moving forward.

**“We tried to stop making reference to the war; we felt it was stagnating us; if we keep making reference to it, then that will keep us in a box. And there are issues now that we need to look at.” Interview 3**

However, some informants said current events in Sierra Leone often have to be framed with a look back at the past period of conflict. One informant noted that:

**“We are a ‘mixed salad’; we are doing development, but we are doing it also to look at conflict roots.” Interview 5**

The ‘stage’ that Sierra Leone is at in respect to its ‘post-conflict’ status and SBPB measures are debated. As a founding member of the g7+ Group of Fragile States and a signatory of the 2011 New Deal for Engagement in Fragile States, Sierra Leone was estimated to be at the ‘transition stage’ on the fragile-states political settlement and peace-building fragility scale; this is the third stage of the five-stage scale. In this assessment, a broad view of security in both physical and human terms is used, and it is estimated that Sierra Leone experiences ‘low interpersonal violence’ levels, an indicator used for progress towards a transformed society (Ministry of Finance and Economic Development, 2013). However, over half of women in Sierra Leone are experiencing violence in their homes. Therefore, questions must be raised about whether and how VAWG is being used to assess and identify the stage a state is at in terms of SBPB; and particularly whether women’s experiences are being used in a state’s assessment of the quality of its ‘peace’.

‘Shocks’ such as political violence, the Ebola epidemic and natural disasters have all heavily tested the stability, embeddedness and current status of Sierra Leone’s transition. They have also made evident the degree to which VAWG is truly ingrained in systems that experience these shocks. With regards to all three of these shocks, VAWG has featured as part of them all. This highlights the need for specific action to prevent and respond to VAWG during and after a shock. This must include appropriate measures being placed within SBPB, including making sexual violence prevention and response a priority.

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## 3. Findings: Integration of efforts to address violence against women and girls in state-building and peace-building policy and programming

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### 3.1 Conflict resolution and peace processes

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#### The peace process

The Sierra Leone civil conflict came formally to an end through a brokered peace agreement between the government of Sierra Leone and the RUF (UN Security Council, 1999). Now referred to as the Lomé Peace Agreement, its adoption in 1999 finally led to the cessation of the war on the ground in 2002. The agreement controversially included amnesty provisions, which prompted the UN to add a reservation that it did not support amnesties for war crimes. The government delegation to the talks included two women, while the RUF’s delegation had one woman. Some women’s civil society organisations were also present, but they were excluded from talks which drafted the actual agreement. Women’s civil society organisations were active proponents of bringing peace to Sierra Leone, with them first organising marches and public dialogues from the mid-1990s, and later engaging directly with conflict actors to influence moves towards peace. The provisions of the agreement are largely gender-blind, with some specific mention of addressing the harms women suffered during the conflict through rehabilitation and reparations programming (Dyfan, 2003).

#### Transitional justice

Despite there being a general desire in Sierra Leone for the country to lose its post-conflict mantle, it is evident that the impacts of CRSV are still felt and many feel there is still a need redress harms that were suffered.

**“Women say it is not easy to forget these pains... you see women today will still speak of it. We still have to do a lot of counselling in this aspect of the conflict and their experiences.” Interview 2**

Through mixed modality transitional justice, Sierra Leone has established a criminal prosecutions process and a truth commission, both of which have completed their mandates, as well as an ongoing reparations programme. For example, prosecutorial justice has secured criminal accountability for some of the sexual violence that women experienced during the conflict. The Special Court for Sierra Leone (SCSL) included charges for sexual violence in a number of its cases, including the charges against Charles Taylor (UN Department of Peacekeeping Operations, 2010). Notably, the SCSL prosecuted ‘forced marriage’ as a distinct crime, creating and recognising a new form of gendered harm that

impacts on women and girls during conflict (Prosecutor v. Brima, Kamara and Kanu, Case No. SCSL- 2004-16-A, Judgment, 202, Feb. 22, 2008). Convictions for CRSV are considered to be critical to fostering a post-conflict context in which such violations are understood as a crime. This sends an important signal about approaches to address VAWG in post-conflict peace-building.

Sexual and broader gender-based violence was included in the scope and remit of the Sierra Leone Truth and Reconciliation Commission (SLTRC). Informants noted that specific efforts were made to ensure that women participated in the SLTRC, and that VAWG was addressed. A specific thematic hearing on ‘women and the conflict’ was held in Freetown, and the testimonies of survivors of sexual violence were heard. Significantly, the report of the SLTRC found that structural gender inequality was a causal factor in the violence that women and girls’ experienced. Its associated recommendations broadly focused on tackling discrimination and violence after the conflict.

Survivors of CRSV were included in the category of survivors entitled to reparations recommended under the SLTRC. The Sierra Leone National Committee for Social Action (NACSA) established a ‘special fund for war victims’ in 2009 (Center for Accountability and Rule of Law, 2009; Lomé Accord, Article XXIX) to provide reparations measures recommended by the report of the SLTRC. The report nominated the following categories of survivors for reparation: amputees, severely wounded, orphans, sexually violated girls/women and war widows. Following registration for reparations, 100% of survivors categorised as widows and victims of sexual violence were women; 24% of amputees and 31% of war wounded were women, and 43% of children assisted were girls (Government of Sierra Leone, 2012).

The process involved in creating the reparations programme for survivors of sexual violence, the registration of survivors and the delivery of repair all faced major challenges along the way (Ní Aoláin, et al., 2015). While a total of 3,602 women registered as survivors of sexual violence, only 650 women have accessed reparation measures (Pratt et al., 2014). During the period of this research, a large group of women (newspapers report 500 – The Ranger, 7 July 2017) protested at the NACSA building because they have not, to date, received their entitlements.

Reparation has been fully provided to those registered under the war wounded, amputees and orphans categories. Reparations for those registered as widows and survivors of sexual violence have not been fully completed, leaving the ‘female’ categories outstanding. This brings up critical considerations of whether and how the harms impacting women register on a presumed hierarchy of harms which are due for reparation. In addition, the funding spent on DDR programming, which largely focused on male combatants, was five times higher than that spent on reparation, meaning that the provision of peace-building recovery resources benefitted men more than women (Williams and Opdam, 2017).

## 3.2 Power structures and the policy environment

### Legal and policy reform

The government of Sierra Leone made significant efforts after the peace agreement to engage with civil society and create an evidence base to inform its policy development. Research, nationally commissioned consultations and the findings of transitional justice measures have been used to inform effective policy development (see below box).

#### Women and girls setting the agenda to advance women's rights in post-conflict settings

In 2003, a conference on women's issues was held to assess what had happened during the conflict in Sierra Leone. During this process, issues such as challenges for women with current martial practices and associated rights, sexual violence, property and inheritance rights and domestic violence were identified as priorities. This conference set the agenda for approaches to advancing women's rights in the post-conflict transition. The women's law reform agenda was established out of this, and as a result, a series of 'gender acts' were adopted for the regulation of gender inequalities and VAWG.

In 2007, a further national conference on women was held. Significantly, when asked what is the greatest threat to peace, women at this conference identified that "while the guns are silent, sexual violence is ongoing". They identified poverty as their greatest threat, as well as a link between economic independence and the experience of sexual violence, and the need for economic supports and livelihoods as critical to living peaceful lives.

Significant gains have been made in establishing an enabling structural environment to address VAWG through SBPB: new legislation regulating VAWG has been adopted; a national women's machinery was established; national planning tools specific to gender equality have been put in place; and gender mainstreaming across government policy such as the Poverty Reduction Strategy Papers (PRSP) was achieved.

Revision of existing, as well as the adoption of new, legislation prohibiting gender discrimination and addressing VAWG is essential for integrating VAWG into SBPB. Formal legal equality provisions at a structural level are essential in establishing national legal standards that regulate VAWG and ensure service provision. Through the process of SBPB in Sierra Leone, significant efforts have been made to create an enabling environment towards gender equality, including the creation of legal and policy architecture on gender equality and VAWG. Among the most significant are the 2007 'gender laws': the Domestic Violence Act; the Devolution of Estates Act; and the Registration of Customary Marriage and Divorce Act; these were followed by the adoption of the Sexual Offences Law in 2012. Numerous gender equality policies on gender mainstreaming and specific issues have also been adopted, including a National Action Plan on Women, Peace and Security and VAWG (see box titled Action planning on VAWG and UNSCR 1325).

#### Legislative and political frameworks adopted in Sierra Leone since 2002

##### Legislation on specific rights issues

- Anti-Human Trafficking Act 2005
- Sierra Leone Citizenship Amendment Act 2006
- Prevention and Control of HIV/AIDS Act 2007
- Domestic Violence Act 2007
- The Registration of Customary Marriage and Divorce Act 2007
- The Devolution of Estate Act 2007
- Child Rights Act 2007
- The Sexual Offences Act 2012

##### National policies on gender equality

- National Policy for the Advancement of Women 2000
- National Policy on Gender Mainstreaming 2000
- National Strategic Roll-out Plan for the 'gender acts' 2008
- National Gender Strategic Plan 2010–2013
- National action plan on United Nations Security Council resolution (UNSCR) 1325 on Women, peace and Security 2010 (SILNAP)
- National action plan on gender-based violence 2012

##### Governance regulations with provisions for women's participation

- Local Government Act, No. 1 2004
- The Chieftaincy Act 2009



However, the degree to which these tools have resulted in the integration and ownership of addressing VAWG within state structure is not clear.

**“Before and during the war are different, the government is more committed now – some institutions are being built and established to make sure they address these issues successfully.” Interview 6**

During research for this study, informants consistently identified the critical issue of gaps in the implementation of law and policy as a main problem. This means that although VAWG has been very successfully integrated within SBPB structures in post-conflict Sierra Leone, the impact and efficacy of these efforts in practice remain questionable.

**“There is political will to support addressing VAWG but not the commitment to do so.” Interview 3**

#### Action Planning on VAWG and UNSCR 1325

The National Action Plan on Gender-Based Violence (2012) is a comprehensive planning tool to help deliver a multi-sectoral response to VAWG. It sets out multi-level initiatives including the implementation of laws, training of health and police personnel, and support for justice for survivors. The plan, however, does not specifically address the enduring impacts of CRSV in Sierra Leone. It also does not lay out how approaches can be joined up with the National Action Plan on UNSCR1325 (2010) or initiatives such as the Sierra Leone reparations programme.

The National Action Plan on United Nations Security Council Resolution (UNSCR) 1325 on Women, Peace and Security (2010) is entirely linked to the past conflict. VAWG comes under two of the NAP's five pillars, with the overall aim of reducing current rates of gendered violence and ensuring the provision of rehabilitation services for current survivors of violence and those who experienced it during conflict.

### Voices of women and girls heard and responded to: community level campaigns and women-led initiatives

Many informants in this research noted that raising awareness of VAWG at community levels has been critical to addressing this issue in the post-conflict transition. The work done at grassroots levels is essential to addressing VAWG in the ongoing transition.

**“Some women don’t know that they can report it, that they are violent events that infringe on their rights. We let them know what their rights are and where to go when faced with this.” Interview 2**

**“There has been increased reporting due to laws and awareness raising.” Interview 6**

The creation of legal frameworks on VAWG, as well as associated advocacy and awareness-raising work, has contributed to a shift in the understanding of women’s rights. Work at grassroots to heighten awareness of legal rights and change behaviours in the use of violence appears to be largely led by women’s civil society organisations. Informants noted that people were not focusing on rights before the conflict, but now they are, with women becoming more aware that violence is something they can address and seek help for. Working with men and boys to change attitudes and behaviours towards women and girls is also seen by informants as a critical component in grassroots level programming.

The creation of services and awareness-raising work on VAWG must be framed by careful consideration of the balance between creating a demand and the actual availability of appropriate services. If women are encouraged to come forward to report violence, response mechanisms in the police/security, health and justice sectors need to be in place. Already, through the efforts of multi-sectoral actors, advances have been made in the reforming of processes in the police and justice sectors to establish technical capacity for response to VAWG. However, more joined-up approaches within and across sectors are still required.

### Fambul Initiative Network for Equality (FINE)

Now working in 12 districts, FINE has established peer educator networks (PEN) in which men provide peer oversight to other men in terms of attitudes and behaviours towards women in the home. Their entry point into communities is to work with local formal leadership, such as police family support units (FSUs) and district level Ministry of Health officials to gain trust and develop relationships with local leaders, soweis (FGM/C practitioners) and other community authorities.

Men who are known to be violent are deliberately engaged with and given positions of leadership in the PENs. This is to instil responsibility as a role model and curb violence, which in turn helps them to become ‘ambassadors for change’ in their communities. Men and their wives participate in ‘husband schools’ which are held at the chiefdom level. Once per month, members are given training sessions; these include sessions delivered by Ministry of Health officials on VAWG and health implications, and how unprotected sex with multiple partners can lead to HIV and other STIs; evidence shows that men who attend the VAWG session are often learning for the first time that beating their wife during pregnancy is damaging to an unborn child’s health. In addition, FSU offices provide sessions which cover the legal consequences of perpetrating violence in the home.

Informants noted that women with husbands who were ordinarily violent were less so after attending a husband school. Women also said their husbands were more communicative in their general relationship.

### 3.3 Capable and legitimate institutions

The response to VAWG through the reform of Sierra Leone’s primary ministries and services varies substantially. In many ways service provision in response to VAWG has come a long way compared to provision before the war. However, significant challenges remain.

#### Gender and social welfare

Key to the establishment and implementation of gender and VAWG policies was the establishment of a national women’s machinery (NWM). The current ‘gender directorate’ under the Ministry of Social Affairs, Gender and Children’s Affairs (MSAGCA) has been an important driver of gender equality within transitioning governance structures. It has, however, been grossly under-resourced. As of 2014, it was staffed by nine of the 36 senior staff members required, and its budgetary allocation has ranged between 0.2 and 0.7% of the national budget (Government of Sierra Leone, 2014). It is proposed that the interest in gender issues from the international community has prompted the government to leave responsibility for the directorate to donors (Swaine, 2010), despite it being “one of the weakest and least influential institutions on the national political scene” (Government of Sierra Leone, 2014).

The MSAGCA gender directorate established the National Committee on Gender-Based Violence (NACGBV) in 2006. The NACGBV became defunct during the Ebola crisis, and at the time of this study’s research, it had not been re-established. Informants noted that there was a clear gap in oversight as a result. This demonstrates the need for functioning policy level coordination systems to address VAWG, and for such mechanisms to become integral to and a priority in governance structures to ensure their sustainability.

Government leadership on addressing VAWG has generally been strong, but concentrated in the NWM. It is clear that addressing VAWG is not fully embedded across ministries that are critical partners in implementing laws and policies, such as the Ministry of Health. This leadership has further faltered with the impact of the Ebola crisis. Leadership in terms of advancing good practice and provision of practical services to survivors has come from international and national NGO service providers, who indicate that more leadership from the Ministry of Health would make a significant difference.

#### Health sector

To date, health response to sexual or domestic violence has not been well integrated into national health services. For example, the Domestic Violence Act and Sexual Offences Act do state that victims should have access to free medical treatment; but according to key informants, this has not been effectively implemented. In addition, there are no facilities within the country to enable the collection or analysis of forensic evidence. There is a complete lack of counselling, mental health and psychosocial support for those who experience violence now and people dealing with the trauma of conflict, which is often women. In particular, rural areas lack qualified clinicians to respond to rape and sexual assault; and informants noted that when the police took survivors to national health services, the survivors often had to pay for these services. In addition, there are no personnel in the state health system trained specifically in rape response. Further, the stoppage of services during the Ebola crisis was a critical concern for informants, from which lessons can be learned.

Health service provision in response to VAWG has largely been led by international and non-governmental organisations in Sierra Leone. These are run independently from the state health service and wholly reliant on funding by international organisations and funders. The International Rescue Committee (IRC) established sexual violence response services (Rainbo Centers) in the aftermath of the conflict. Currently, the IRC is attempting to handover these services to a national counterpart, but to date these services remain outside formal integration and ownership by national health services (see box titled The Rainbo Initiative for details). According to informants, the majority of referrals to the Rainbo Centers are coming from the police, which shows that health and police systems can operate well together where trained police and specialist clinics are available. With adequate time and investment, there is a lot of potential for an effective police and health response to VAWG in Sierra Leone.

### Critical considerations in service provision in SBPB processes and post-conflict contexts

The Sierra Leone context raises critical considerations in respect of how SBPB strategies navigate shocks so there is little interruption as possible to the provision of critical services, such as healthcare response services to sexual violence.

Gendered violence featured in many women's experiences of the Ebola crisis. Women who were quarantined in their homes under armed guard were sexually exploited by guards in exchange for permission to leave the house to collect firewood and prepare food for their families. Practices in managing the outbreak, such as forcibly removing those suspected of Ebola from the home to quarantine centres, resulted in what many women describe as 'traumatic' experiences, including forced nakedness, no access to sanitary materials and undignified treatment (Ministry of Social Welfare, Gender and Children's Affairs, Statistics Sierra Leone, Oxfam GB, and UN Women, 2014).

The conditions brought about by the Ebola crisis and the response to it are estimated to have resulted in increased

rates of sexual violence and risk of teenage pregnancies. With schools closed for extended periods, girls were at risk of sexual pressures and attacks; those who headed up households and cared for children following the deaths of family members resorted to transactional sex for survival; and some women experienced marital rape having refused sex to protect themselves from infection. Health and judicial services for sexual violence and the provision of contraception and regular healthcare were suspended as the health system dealt with the crisis. This resulted in further risk and deepened the health impacts of VAWG (IRIN News, 2015; Devries, 2015). A member of one NGO in Sierra Leone stated that when Ebola arrived they were told there was "no space for things like that" (Interview 14).

However, lessons relevant to VAWG prevention and response can be gleaned from the Ebola crisis. As one informant in Sierra Leone pondered, "What can we take from Ebola and apply to GBV and let it have its turn?" (Interview 4). For one, Ebola was swiftly responded to and information campaigns brought about changes in practices to stem the epidemic. Clearly, when resources and effort are put in place, behaviours and practices can change in Sierra Leone.

### The Rainbo Initiative

Established by the IRC in 2003, with funding from the UK Department for International Development (DFID), there are three Rainbo Centres in Sierra Leone (Freetown, Kenema and Kono). The Rainbo Centres provide post-rape medical response, psychosocial services and referral to the justice system, free of charge to survivors.

Since 2009, the Rainbo Initiative reports that its three centres have provided services to over 15,000 clients. In the first quarter of 2017, the centres received 639 cases. Of these, 18% involved the rape of children under 10, and 80% involved the rape of 10–20-year olds. Of the latter, 96.8% resulted in pregnancy. For the reporting period of 2016, a total of 2,600 cases of rape were responded to by the three clinics. Between 95–100% of these cases resulted in pregnancies, the majority of victims being adolescents. The Freetown clinic responds to 15–20 cases per day. The majority of the reports to the clinics come through the FSU (all data provided by the Rainbo Initiative).

The story of the Rainbo Centres offers much learning. With little infrastructure and technical capacity in the health system after the conflict ended, the IRC met an essential gap in services by establishing the centres. However, sustainability of the clinics became a consistent concern. To tackle this, the IRC attempted between 2005 to 2014 to transition the centres to government ownership. Although this did not happen, it did lead to the establishing of the

Rainbo Initiative, a national organisation to run the centres which is overseen by an independent board. Then, DFID and Irish Aid ceased their funding of the centres in 2014, leaving the centres struggling to survive.

This highlights the need for international organisations to undertake partnership building work with government ministries from the outset, and for organisations to encourage government ownership, no matter how small a ministry's investment in a service. Importantly, this ownership sends a signal to others that addressing VAWG is an essential element of reforming health services as part of the state-building process in a post-conflict period.

Staff at the Rainbo Initiative say the centres' work is "life-saving". While survivors can go to regular health clinics, there are no trained staff at those clinics, and they also charge fees that may be prohibitive. In May 2017, the Rainbo Initiative secured an agreement from the Ministry of Health that post-rape clinical services within MOH clinics will be delivered free of charge. The Rainbo Initiative is also attempting to set up a new Rainbo Centre in the north of the country, where there is a complete lack of services. Funding is needed, which will again involve approaching external donors, but this time the strategic plan for the service will include government ownership from the start. This centre will be a pilot initiative in conjunction with the Ministry of Health and serve as a 'model' for the ownership of future 'critical' services like this one.

### Justice sector

Despite the adoption of legislation regulating VAWG and significant efforts to refer cases to the justice system, there remain considerable challenges in justice response. The National Action Plan on UNSCR 1325 (2010) aims to successfully prosecute 75% of reported cases of sexual violence and provide reparations for 50% of those cases. To date, better reporting systems are available for reporting of these crimes through the FSU and other bodies for prosecution. However, records from the FSU for 2012 show that out of 6,210 reported cases of VAWG (including domestic violence, sexual violence, trafficking), 63% were investigated and 28.6% were prosecuted. Noteworthy is that 60% of cases relate to domestic violence, and these are largely resolved through local customary dispute mechanisms. While the FSU plays a big role in providing linkage to legal services for GBV survivors, legal service provision is largely from national NGOs such as LAWCLA (Lawyers Centre for Legal Assistance), Legal Access for Women Yearning for Equal Rights and Social Justice (LAWYERS), Access to Justice Law Centre and Sierra Leone Bar Association (Government of Sierra Leone, 2012).

### Security sector

From the beginning of SBPB processes in Sierra Leone, attempts have been made to integrate VAWG prevention and response into the Sierra Leone national police (SLNP) through post-conflict reforms to policing. This involved the 2003 reform of an existing domestic violence unit to a family support unit (FSU). Key informants noted that the FSU now has approximately 76 units and 400 officers across the country. The majority of its budget comes from international donors and NGOs, with only 2% of overall policing/government budget attributed to the FSU, which is not always guaranteed. The FSU has developed standard operating procedures (SOPs) for sexual and domestic violence; tried in many cases to nominate a specific safe space in police stations where VAWG can be reported (which is not available consistently across the country); undertaken outreach at community levels on the prevention and reporting of VAWG; and instituted their own sexual harassment policies (Government of Sierra Leone, 2014).

However, the provision of services to survivors of VAWG is challenged by very specific and practical barriers: not enough personnel at FSUs nationally; lack of transport; lack of any forensic services in the country; and a lack of access to formal justice processes, because they are costly and a long distance from rural areas. FSU officers in locations without Rainbo Centres have to rely on health services where doctors are not trained in responding to VAWG and charge a fee. In addition, court cases often become delayed, resulting in survivors abandoning their pursuit of justice. According to informants, the FSU are attempting to change this by making sure the referral pathway is fulfilled (an initial police report, to referral to essential health services, to criminal prosecution) where desired.

### Supportive international environment

Sierra Leone has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1985 and has successfully submitted two country reports since the end of the conflict (OHCHR, website). It also references the Beijing Platform for Action (BPFA), the African Union Gender Policy, and the Dakar Declaration on Gender Parity as part of its national approach to gender inequality and VAWG. As evident above, the Sierra Leone government has adopted a range of legislative and policy frameworks that directly respond to their international commitments.

The international community has invested heavily in Sierra Leone. The UN Peacekeeping mission was essential to securing overall stability. Funding from the United Nations Trust Fund to End Violence Against Women was essential to reparations provision for women, as noted before. However, funding for services, and particularly sexual violence response services, are primarily supported by international donors, a weakness that will cause these services to collapse should that funding end. While Sierra Leone receives much support, is heavily involved in groups like the g7+, and reports on its human rights commitments to the UN system, there remains a need for significant political and funding support to tackle the issues of gender inequality and VAWG.



#### 4. Conclusions and recommendations

In Sierra Leone, gender equality and VAWG have been visibly prioritised across many government policy and planning documents developed through SBPB processes. But challenges including a lack of political leadership, financial investment and government ownership of response services remain. Addressing VAWG must be an ongoing imperative as SBPB processes evolve and adapt to longer-term transition and stability.

The SBPB processes in Sierra Leone have largely adopted a good practice, multi-level approach that addresses VAWG from national to grassroots levels. Multi-level approaches to VAWG are required from the outset in SBPB processes. State leadership is required to take clear steps to institute a structural framework of laws and policies that address VAWG; a clear systemic response to this legislative framework is needed through operationalising laws and policies within multi-sectoral responses (health, justice, police); and specific initiatives are needed to drive social change processes at community levels, including allocating resources to local governance structures to respond to local realities.

Advance planning and preparation should be made for 'shocks' such as the Ebola crisis to mitigate their effect on women and girls. In line with good practice multi-level approaches, shocks could be planned for as follows:

**Structural** – national level coordination structures are required to share information on issues such as sexual violence, address gaps in service provision and ensure that joint and coordinated planning and response is in place.

**Systems** – where systems such as health services have shut down, response to sexual assault should be prioritised when they begin to re-establish. This is important because evidence shows that incidents of sexual violence increase during and after these crises. These service providers could also be used as entry points for survivors of other forms of VAWG (e.g. IPV) as evidence shows these increase during times of conflict.

**Operative** – a gendered analysis of the crisis detailing women and girls' experiences should be undertaken during/immediately after a shock, so tailored responses can be put in place.

Existing frameworks on VAWG are somewhat siloed, which creates disparate responses and the loss of cross-policy linkages. Going forward, cross-linkages between the National Action Plan on Gender-Based Violence (2012) and the National Action Plan on UNSCR 1325 (2010) could be maximised to enable joined-up approaches that reinforce the need for SBPB processes to fully integrate responses to VAWG that took place during conflict and the transitioning context.

Capacity development and exit/handover strategies in terms of emergency service provision provided by international organisations are required from the outset of SBPB. Despite broken infrastructures and competing priorities in nascent health systems, sexual violence response services need to be embedded into reforming and newly built systems as early as possible. Critically, this includes embedding funding for these services in state budgets to secure their survival and national ownership in the medium and longer-term.

Donors need to take a longer-term approach to their engagement in SBPB processes. This includes investments that are pivoted towards the full integration of VAWG into state-run processes, such as sexual violence services within the health sector.

The work of civil society organisations makes a critical difference in whether and how VAWG issues are addressed in SBPB processes. Many of the gains made, such as the adoption of laws and policies, are clearly the result of advocacy work by civil society organisations and them providing technical expertise. Therefore, funding to civil society organisations, particularly women's organisations, is critical for the sustainable integration of issues of VAWG in SBPB processes.



# Annex 5: South Sudan case study

## 1. Background

Conflict has affected South Sudan throughout its recent history. Sudan became independent from the UK in 1956 and was immediately faced with internal uprisings against the central government in Khartoum. From 1955 to 1972, and then again from 1983 to 2005, the semi-autonomous region of Southern Sudan fought against the Khartoum government. This conflict culminated in the 2005 Comprehensive Peace Agreement (CPA), which was signed between the government of Sudan (GoS), and the Sudan People's Liberation Movement (SPLM)/Sudan People's Liberation Army (SPLA). This agreement laid the ground work for the 2011 referendum on independence and subsequent declaration of the Republic of South Sudan (RSS) in July of that year. However, periodic violence has continued between the two states, particularly centred around the areas near the border of the new South Sudan and Sudan.

In addition to the hostilities between Sudan and South Sudan, tensions and fighting amongst different political factions and communities in South Sudan have also long affected the region. Conflicts between rival communities and ethnic groups over resources, territory and cattle are commonplace. These inter-communal and tribal disputes often bleed into the political sphere. During the Sudanese civil war, numerous internal rebellions and splits within the SPLM/A were seen. This included the 1991 defection of Riek Machar from the SPLM/A, in what was a precursor to later intra-SPLM/A internal conflicts.

In December 2013, a new political and ethnic crisis (hereafter referred to as the 2013 crisis) began in the country, following several months of deteriorating political relations between the president, Salva Kiir Mayardit of the SPLM, and his former vice-president, Machar, who became the leader of the Sudanese People's Liberation Movement-in-Opposition (SPLM-IO). Despite numerous attempted peace processes and the signing in August 2015 of the Agreement on the Resolution of Conflict in the Republic of South Sudan (ARCSS), the conflict between these two parties remains unresolved and a new expansion of this violence into previously peaceful regions of the country was seen in 2016 (International Crisis Group, 2016). In addition, splits within the SPLM-IO itself, as well as a multitude of smaller militia and fighting groups, further complicate the picture of conflict within South Sudan. As of mid 2016, it was estimated that there were at least three distinct rebel groups and over 40 active militia groups operating within the country (ACLED, 2017).

The history of South Sudan, first as part of Sudan and then as an independent nation, has been marked by continued instability and upheaval. Throughout this turmoil, various approaches to peace-building and state-building have been employed; however, these efforts have often minimised or ignored the problem of violence against women and girls (VAWG).



### The South Sudan context: gender inequalities, violence against women and girls and the conflict

South Sudanese women and girls experience many forms of gendered violence throughout the course of their lifetimes. A recent study found that up to 65% of women and girls in South Sudan experienced physical and/or sexual violence from a partner or non-partner at least once in their lives. This violence is prevalent within homes, with up to 73% ever-partnered women experiencing physical or sexual violence from a husband or partner, as well as within the wider community (The Global Women's Institute and the International Rescue Committee, 2017).

Discrimination against women and girls begins early. Girls are less likely than boys to be educated, with only 40% of girls able to read and write (Girls Education South Sudan, n.d.). Girls who do attend school often leave before completing their education to get married, and almost half of women are married before reaching the age of 18 (South Sudan Ministry of Health and National Bureau of Statistics, 2010).

These experiences continue into adulthood, where women are often unable to work, are excluded from decision-making and have a lack access to resources; they also continue to experience physical and sexual violence from both partners and non-partners alike (CARE South Sudan, 2014; The Global Women's Institute and the International Rescue Committee, 2017).

This violence is compounded by pervasive gender-inequitable norms and attitudes – held by both men and women – that justify the use of violence and re-enforce the position of men as the authoritative force within households and the community (Scott et al., 2013; The Global Women's Institute and the the International Rescue Committee, 2017). The common practice of paying a bride price (in the form of cattle or money) has been found to be a contributing factor to this violence, leading to the commodification of women as a means to gain wealth (Stern, 2011; The Global Women's Institute and the International Rescue Committee, 2017).



Peter Birrell/IRC

## 2. Findings: linkages between violence against women and girls and peace and stability in South Sudan

VAWG and wider inter-communal and militarised conflict in South Sudan have many complex linkages, and VAWG is a core component behind inter-communal conflict and the 2013 crisis. Throughout South Sudan, common forms of VAWG include intimate partner violence, non-partner sexual violence such as rape, and traditional practices such as early and/or forced marriage, polygamy, and payment of bride price (The Global Women's Institute and the International Rescue Committee, 2017).

In many regions in South Sudan, it is common for rival tribes, clans or communities to clash over land use and/or raid rival communities to acquire cattle or other resources. Sexual violence is often a central characteristic of these inter-communal attacks (D'Awol, 2011). Women may be targeted specifically for rape, abduction or killed during these raids. Militarised sexual violence has also been a key facet of the 2013 crisis. There have been reports of women and girls being raped during conflicts between the SPLA and the SPLA-IO (Amnesty International, 2017). Women residing in UN Protection of Civilians (POC) sites spoke of increases in rape cases during times of heightened violence between the government and opposition, such as in July 2016 when fighting began again in Juba.

### “Rape against women/girls is common during the crisis. This is done by both soldiers and civilians.” Interview 13

Ongoing conflict is also contributing to increases in other forms of VAWG, not just sexual violence. The conflict in South Sudan – both at the inter-communal and national levels – not only affects rates of sexual violence but also impacts on other forms of VAWG that may not be traditionally associated with armed conflict, such as intimate partner violence (IPV) and discriminatory practices such as forced and early marriage. At its core, VAWG is a product of unequal gender dynamics and patriarchal practices, and is a manifestation of unequal power between men and women. Beyond this root cause of violence, recent research has identified a number of additional indirect drivers of violence that are also affecting rates of violence, and particularly violence within the home during times of conflict (The Global Women's Institute and the International Rescue Committee, 2017). These additional drivers of VAWG include increases in economic insecurity and criminality, displacement, the normalisation of violence and a breakdown of the rule of law (The Global Women's Institute and the International Rescue Committee, 2017). For example, conflict has been seen to compound these dynamics by promoting 'hyper-masculine' norms that normalise the use of violence as a conflict resolution strategy in the public sphere. These new norms can then be transposed to the private sphere, contributing to rises in intimate partner violence and other violence within the home.

While both VAWG and inter-communal/militarised violence have some separate and distinct drivers (for example, control of economic resources such as oil), there is also a considerable amount of overlap between the two spheres of violence (for example, hyper-masculine norms can instigate violence both in the home and community). In a 2012 conflict analysis on the situation of South Sudan, the NGO International Alert identified 35 drivers of conflict for the newly independent state (Reeve, 2012). Reviewing this list in light of the 2013 crisis, it appears that many of these drivers did in fact instigate and deepen the internal conflict within the country and remain relevant to this day.

When comparing these drivers of inter-communal and militarised violence to the drivers of VAWG, a number of commonalities emerge that demonstrate some of the linkages between violence targeting women and girls and wider conflict and security issues in the country. For example, ethnic and clan divisions and quests for dominance were identified as drivers of conflict in South Sudan and have contributed to both inter-communal raids and attacks, as well as helped to instigate and spur on the 2013 crisis. These ethnic tensions also contribute to the abduction of women and girls, as well as the employment of sexual violence as a tactic during these incidents. In particular, sexual violence is often used as a component of ethnic cleansing efforts, with women targeted for rape or killing to reduce a rival community's reproductive capacity (UN Human Rights Council, 2017).

Other examples of drivers of conflict in South Sudan include the exclusion of women and local minorities from positions of power, which affects the prioritisation of VAWG as an issue and reduces the likelihood that responsive and effective protection strategies are developed for women and girls. Similarly, the breakdown of rule of law in South Sudan has secured impunity for perpetrators of crimes. This includes people who carry out inter-communal and militarised violence, as well as men who abuse their wives, commit acts of sexual violence and/or abduct young girls to force them into marriage (The Global Women's Institute and the International Rescue Committee, 2017).

Economic insecurity and lack of employment also affect violence in the home and the community. Idle men and boys increasingly join armed groups and engage in traditional practices such as cattle raiding because of a lack of opportunities in the formal employment sector. This poverty contributes to increasing incidents of sexual violence and young men abducting of women and girls for marriage because they cannot procure the necessary resources to pay a bride price, which is traditionally required for marriage. Similarly, this poverty can be source of household stress that contributes to increases in IPV within the household (The Global Women's Institute and the International Rescue Committee, 2017).

In South Sudan, VAWG is not only a tool utilised during conflict and an experience that increases during times of instability, it can also be a driver of civil conflict. Central to the practice of marriage in South Sudan is the payment of a bride price. This transaction is paid in either cattle or money, or sometimes a combination of both, and is an essential component of marriage across many ethnic groups. In recent years, the amounts associated with this practice have been increasing. There have been reports of hundreds of cattle being paid, which increases the potential for inter-communal flashpoints because young men and their families struggle to acquire the necessary resources to enter into marriage (The Global Women's Institute and the International Rescue Committee, 2017). In addition, informants noted that as well as embarking on cattle raids, young men are directly abducting women and girls to force them into marriage. The increasing fragility of South Sudan's economic situation also exacerbates this problem.

Overall, the lack of the rule of law, economic instability, normalisation of violence and perpetuation of arms all compound the violence of these raids. These abductions and forced marriages are some of the drivers of inter-communal conflict in South Sudan, which in turn affect the peace and stability of communities and the country as a whole.

### 3. Findings: integration of efforts to address vawg in state-building and peace-building policy and programming

#### 3.1. Conflict resolution and peace processes

VAWG has been addressed during South Sudan's peace processes on an ad hoc basis. Even in the incidences where it has been included in formal peace agreements, reparations or transitional justice has not been implemented. While the newly formed nation of South Sudan has been party to a number of peace agreements in its short existence, gender, in general, and more specifically VAWG, has not featured prominently in many of these peace processes, nor has it been a major component of most peace agreements.

According to key informants, VAWG was not seen as a prominent feature of the civil war: John Garang, the leader of the SPLA at the time, expressly forbid the rape of women by SPLA troops, and although this command was not uniformly adhered to, sexual violence was not widely documented (Bubenzer and Stern, 2011). Similarly, reports of the Sudanese Armed Forces (SAF) using sexual violence on a wide scale were not seen as a facet of the North-South civil war.

Despite sexual violence not being widely viewed as a major component of the civil war, there was still a significant need to address VAWG in the post-conflict period. However, peace processes which culminated in the 2005 Comprehensive Peace Agreement (CPA) were particularly gender-blind and did not adequately address women's concerns or specifically address VAWG at all (Ogunsanya, 2007; Aldehaib, 2010; Ringera, 2007; Tønnesson and Roald, 2007). In the negotiations that led to the CPA, women were marginalised, with only a limited number of women participating in the 2002 Machakos peace talks and only two women participating (as observers) during the negotiations in Naivasha, Kenya (Faria, 2011; Human Security Baseline Assessment, 2008). There was no mention of VAWG in the final CPA at all.

Compared to the 2005 CPA, key informants say that women have had a much more prominent role in the ongoing peace process to resolve recent outbreaks of conflict in 2013 and 2016. Women's groups from the government and opposition groups came together in Addis Ababa, Ethiopia, and formed a women's bloc, which has gone on to facilitate communication and dialogue during peace negotiations (Mai, 2015). Women were seen as having informal networks and personal connections that would allow them to move between the negotiating groups.

**“It was easier for the women to shuttle between the groups.” Interview 8**

The Agreement on the Resolution of Conflict in the Republic of South Sudan (ARCSS), which was signed in August 2015, officially prohibits warring parties from engaging in “acts and forms of sexual and gender-based violence, including sexual exploitation and harassment” (1.7.2). In Chapter 5, it also outlines the establishment of formal mechanisms for transitional justice, accountability, reconciliation and healing. The inclusion of Chapter 5 in the ARCSS was seen by research participants as a direct result of the advocacy efforts and participation of the women's bloc during the Addis Ababa talks.

**“One of the biggest achievements for them [the women's bloc] is the incorporation of Chapter 5 and the three mechanisms into the peace agreement.” Interview 8**

Since the signing of the ARCSS, women have taken part in a national peace dialogue that included the development of a seven-point agenda documenting the priorities for women in the peace process and the Transitional Government of National Unity (TGoNU). One of the seven points laid out in this document specifically refer to sexual violence: “End sexual violence against women, girls and boys; establish holistic psychosocial services for survivors of violence; and take immediate action to hold perpetrators accountable.” (UN Women, 2016).

Women's groups have also taken on a role to link the elites in Juba to women in the communities outside of Juba. They have translated and distributed copies of the peace agreements and linked with women's groups at a state level to update them on the status of the talks. However, elite women from Juba and women from outside the capital sometimes had different priorities and hopes for peace.

**“Sometimes we underestimate the intelligence of women at the local level on these issues. But they had different perspectives from the women in Juba; they cared more about reconciliation and healing, while we are more focused on justice.” Interview 8**

However, while the ARCSS took a more gendered approach compared to the CPA, and associated peace processes have explicitly addressed sexual violence, wider peace efforts have stalled in South Sudan and the provisions laid out in Chapter 5 regarding reconciliation and transitional justice have not been implemented. As a result, it is difficult to know if the inclusion of these points in the peace agreement have had a positive impact on post-conflict South Sudan. Although the women involved in the advocacy for these mechanisms believe their inclusion in the agreement may be more about a long-term benefit. By having sexual violence and transitional justice successfully referenced in the current but stalled peace process, they believe it will be easier to have these issues included in future peace agreements.

**“This is the biggest achievement because the hard work of getting gender incorporated has happened. This is now going to be in future peace agreements because the hard work has been done to convince people that it is valuable.” Interview 8**

Since the peace agreement has not yet been implemented, the government of South Sudan launched a 'national dialogue' process in 2016 to run in tandem with the implementation of ARCSS. This process is expected to go beyond addressing grievances and reconciliation, which continues to be the mandate of the Commission for Truth, Reconciliation and Healing. According to stakeholders, it is meant to include a wide range of issues relating to the future unity of the South Sudanese state and nation. The national dialogue is also aimed at providing a new unifying framework for engagement, including involving women, young people and other marginalised groups in the peace process (South Sudan Dialogue and UNDP, 2017). However, results from this process, and particularly its success in engaging with women and girls, are not yet known.

In addition to participating in peace-building and reconciliation on a national level, women have also worked at the community and inter-community levels to build bridges between communities that have engaged in conflict. These local grassroots peace processes have often been ignored or marginalised when compared to formal peace processes (Faria, 2011; Erickson and Faria 2011; Bubenzer and Stern, 2011; Itto, 2006). In addition, when efforts to formalise more localised peace processes occur, women are often excluded or have token representation, even when the conflict is having a considerable effect on their lives. For example, while women were invited to participate in a peace conference in Jonglei state in 2012, because the abduction of women was becoming a more prominent feature in inter-communal raiding, their role was minimal. In addition, the abduction of women was only briefly discussed and the topic of forced marriage was not mentioned during the conference (Lacey, 2013).

Overall, women and girls have been marginalised during peace processes that have been occurring in South Sudan. Key informants also state that wider peace-building efforts have been completely disconnected from ongoing VAWG prevention and response programming. This is limiting potential synergies between the two fields that would lead to improved protection for women and girls. Even in community level peace-building exercises VAWG has not been prioritised, despite the clear linkages between this violence and community conflicts. While women have been more engaged in the most recent peace talks, their successes in getting VAWG acknowledged in the peace agreement have not yet led to changes on the ground. This is because the overall peace agreement is yet to be implemented, and, in general, the voices of local women and girls are not being heard as part of the humanitarian response that's ongoing in the country.

### 3.2 Power structures and the policy environment

#### Legal and policy reform

South Sudan has very limited legal and policy frameworks addressing VAWG, and many of these documents are not being implemented. At the national level, gender issues primarily fall within the remit of the Ministry of Gender, Child and Social Welfare (MoGCSW), which drives the development of national policies related to gender. While South Sudan has ratified CEDAW and has developed a National Action Plan on UNSCR 1325, overall, the country's legal and policy structures are weak.

#### National level legislation and policies that govern issues related to VAWG

- South Sudan Transitional Constitution 2011
- Local Government Act 2009
- Penal Code Act 2008 – sections 247, 274, 256, 273
- Child Act 2008
- The National Gender Policy
- National Action Plan (2015–2020) on UNSCR 1325

The Child Act (2008) sets a legal age of marriage and establishes the punishment for child rape. It notes that children have “the right to be protected from early marriage, forced circumcision, scarification, tattooing, piercing, tooth removal or any other rite, custom or traditional practice that is likely to negatively affect the child's life, health, welfare, dignity or physical, emotional, psychological, mental and intellectual development”. While the legal age of marriage is 18, this is typically not enforced (Kircher, 2013). Legally, the Penal Code of 2008 sets a broad definition of rape and heavy punishments, including up to 14 years in prison. Abduction of women and girls, as well as the detention of people to engage in unlawful sexual conduct, is also outlawed in the Penal Code (Section 274 and 256). However, the Code denies the existence of rape within marriage: “Sexual intercourse by a married couple is not rape, within the meaning of this section.”; and it does not lay out explicit punishments for domestic violence (Clancy, 2012; US Department of State, 2013).

**“Domestic violence laws – What is domestic violence? It might be called this in the US or the UK, but here we don’t have this terminology. It would be considered a normal offence. If she reports to the criminal court, it would be prosecuted like any other assault and not specifically as domestic violence.” Interview 4**

Even within this legal environment, the formal, statutory law has limited reach. Instead, most South Sudanese are governed by the customary rather than formal legal system. Customary law is the practice of local governments (typically in the form of local chiefs) adjudicating cases based on “the customs, traditions, norms and ethics of the communities” (Government of South Sudan, 2009). As this system is based on local norms, customary law varies from community to community and is not codified.

The 2011 transitional constitution and the Local Government Act of 2009 enshrine the importance of customary law, and for many living outside the major population centres, customary laws are their only recourse against perpetrators of violence. Even in the formal courts, rape cases are often not prosecuted in relation to the legal codes.

**“Statutory laws only exist in capitals. The same rules that are applied in customary law are also applied in statutory courts. In Rumbek, we worked on this step by step. In Juba, there has been some success, and some rape perpetrators are in jailed for years. But most of the time these are settled at the customary court level. And now with the small arms spread everywhere, who is going to go against their perpetrator in court?” Interview 7**

For example, while abduction for the purposes of marriage is discussed in the Penal Code of 2008, it notes that this crime should primarily be addressed “according to the customs and traditions of the aggrieved party” (Penal Code Section 273).

In addition to these legal frameworks, there has been some progress to create robust gender policies at the national level. A National Gender Policy was launched in 2012 and includes provision on sexual and gender-based violence, as well as gender, peace and security. Importantly, this policy document takes a wide view of VAWG and includes discussion of the customary and traditional beliefs and practices that perpetuate GBV, such as “child and forced marriages, wife inheritance, extremely high bride wealth and others that deny women and girls their human rights”. However, interviews with VAWG actors on the ground reveal that many of the priorities in this policy have not been widely implemented.

**“There is a Gender Policy that should be relevant but not being used.” Focus group 1**

In 2015, the National Action Plan (2015–2020) on UNSCR 1325 was launched. However, while this NAP is considered a guiding document amongst some peace-building practitioners, it was not widely known, even among actors working in VAWG in South Sudan.

**“The National Action Plan is just a document, same as the National Gender Policy, no one is talking about it.” Interview 8**

Members of the GBV sub-cluster who provide many of the day-to-day services for women and girls who have experienced violence were unsure how their work linked to the NAP, or what was exactly laid out in the document. This disconnect between two of the main stakeholder groups working to reduce VAWG in the country demonstrates the wide gap between SBPB and VAWG practitioners and policymakers on the ground.

In addition to this policy environment, women and girls are often not represented in positions of power. While the transitional constitution of South Sudan mandates that women and girls make up 25% of the legislative and executive branches of government, these quotas are not often met and women are not often found to be leading the most powerful or well-funded ministries (Human Security Baseline Assessment, 2008). Ongoing efforts to decentralise the government, for example, expanding the number of states in the country from 10 to 32, have not promoted women into positions of power and currently none of the 32 states have female governors. Since the most recent outbreaks of conflict in 2013 and 2016, any advances that had occurred to entrench women in positions of power have been seen to regress.

**“In 2011, they established this affirmative action platform for women in government, and every small committee of women would ask where are the women if they weren’t there. Since 2013, this is no longer a priority. We have 32 states now and no female governors. Now, no one talks about the 25% anymore; gender is not a priority.” Interview 8**

New policy reforms are being spearheaded by the National Constitutional Amendment Committee (NCAC). This was established under Chapter 1 Article 13 of the Agreement for the Resolution of Conflict in South Sudan (ARCSS) and is one of the organs for implementation of the peace agreement. The core mandate of the NCAC is to draft a Constitutional Amendment Bill incorporating the Agreement into the transitional constitution of the Republic of South Sudan of 2011 (TCRSS); draft new or revise as appropriate other legislation provided in the Agreement; and propose amendments to the relevant national security legislation that relate to the Peace Agreement, including the SPLA Act 2009, National Security Act 2014, Police Service Act 2009, Prisons Service Act 2011, and Wildlife Service Act 2011, in order for this legislation to conform to provisions of the Agreement. NCAC is mandated to review or propose amendments to the Political Parties Act 2012 and the National Elections Act 2012. The Committee is also tasked with conforming all other relevant legislation to the Peace Agreement. However, at this stage, it is unclear how gender, VAWG and women’s participation will feature in the development of this new legislation.



### 3.3 Capable and legitimate institutions

Since the establishment of the new state of South Sudan in 2011, there have been considerable efforts to build national and state level government structures. However, the reach of these institutions is limited and many efforts to support survivors of VAWG are located only in population centres.

This means these institutions don't impact on the lives of women and girls in rural areas, which is where most South Sudanese live. The reorganisation and decentralisation of the governance structure of the country also has affected the administration of policies and programmes. Since the signing of the CPA in 2005, investment from the international community has focused on supporting the functionality of the 10 original states of South Sudan. But according to key informants, the further sub-divisions of these organisational structures – first to 28 states in 2015, and then to 32 states in 2017 – has created significant challenges. Investments and training to build the capacity of the original 10 states has been lost in this reorganisation, creating challenges for policy and programme development and the implementation of services across all sectors on a state level.

#### Gender and social welfare

While the national government has established the Ministry of Gender, Child and Social Welfare, it has comparatively little power and prominence compared to other national level ministries. It relies on considerable support from international organisations/UN agencies and international NGOs to operate.

**“The Gender Ministry is the least resourced. The international community gives some in kind support, facilitation for coordination, etc. But strong ministries are the ones where NGOs are pumping money.” Interview 7**

The main role of the MoGCSW is developing policies related to gender for the country. This includes the development of the Gender Policy and standard operating procedures (SOPs) for GBV prevention, protection and response in 2014. However, the national level SOPs have not yet been officially approved. The federalist structure of the South Sudan government gives each state<sup>11</sup> considerable autonomy and power. While the ministries in Juba may set national level policies, the state level ministries do not report to their national counterparts and national level policies often have little effect at state level. While the MoGCSW is mandated to address VAWG at the national level, the state level ministries of social development are responsible for the state implementation of GBV related policies, in a multi-sectorial approach that also involves the ministries of interior, health and justice. However, this structure also allows for progress at the state level when national efforts stall. For example, some states have operational SOPs which function in lieu of the national guidelines that are not formally approved.

**“State level ministries – there is a gap in the linkage with the national ministry.” Interview 2**

#### Building the capacity of the Ministry of Gender, Child and Social Welfare at a national level and the Ministry of Social Development at state level

Despite the ongoing conflict in South Sudan, international NGOs and UN agencies continue to support the strengthening of the MoGCSW, where possible. This includes supporting governmental social workers and public institutions such as the Juba Teaching Hospital to provide clinical management of rape (CMR) services. While the reach of these formal services is limited, the international community is demonstrating a commitment to supporting a responsive state structure by bolstering these nascent institutions. This is particularly true at the state levels, where, despite irregular salary payments from the government, social workers help survivors access services. However, a lack of capacity and resources – both human and financial – limit this approach. In addition, the continued re-organisation of state structures limits the sustainability of the state level investments.

**“State social workers... they are really active. They are linking survivors to the referral network. They are working in the safe house in Torit. The government pays salaries but it is irregular.” Interview 2**

**“In Lakes state, we worked closely with police and Ministry of Social Development. They provide shelter for survivors of IPV. The collaboration with Lakes state government very strong, and we worked well with the government and police and the security sector.” Interview 7**

In addition, the nature of the ongoing conflict in South Sudan limits the reach of the government in many of the communities that were most deeply affected by the 2013 crisis. Some previously secure areas have descended into conflict, reducing the reach of formal government structures. These areas are primarily the states of Eastern Equatoria, Central Equatoria and Western Equatoria, which are situated to the south of the country. Trained staff who were previously providing vital services are now displaced: “Staff that you train run away due to the conflict.” Focus Group 1. Key services points such as hospitals and clinics have also been looted and ceased operating.

#### Health sector

The health sector is actively involved in VAWG response services in South Sudan. Health services, along with psychosocial support, are the most robust forms of services supported by the international community in South Sudan. This healthcare is typically in the form of clinical management of rape (CMR) services. While health services do exist, they have mixed coverage, and particularly in rural areas. CMR services are typically delivered from hospitals or primary healthcare centres, while the majority of South Sudanese receive their healthcare at the boma level (typically covers many individual villages) through primary healthcare units. In addition, informants noted that many of the healthcare staff are male and of older ages, which may make women, and particularly younger women, less inclined to access these services.

In addition, substantial institutional barriers remain that prevent women accessing healthcare services. This includes many healthcare providers still insisting that survivors of VAWG go to the police first and complete necessary paperwork (Form 8) before seeking medical care, despite this not being legally required. This is even the case in the main teaching hospital in Juba. Despite a concerted effort by the international community and the government to communicate that Form 8 is a not a prerequisite for receiving healthcare, this practice still remains. Overall, efforts have been made to increase the capacity and reach of national and state institutions to provide services for survivors of VAWG, but this capacity and reach still remain limited.

#### Justice sector

The justice sector is a mixture of formal statutory and customary law that cascades down from the state to county and then to the payam and boma (South Sudan's smallest administrative unit). As detailed below in Figure 3, it is only the state level courts that deal with the application of statutory law, while the B and C courts at county, payam and boma levels are overseen by local chiefs with limited, if any, legal training and who apply customary law.

Women and girls who experience violence are left with little recourse, as the formal legal system has weak VAWG laws and limited coverage throughout the country. For example, there are no formal laws preventing domestic violence, and the Penal Act of 2008 excludes marital rape from the definition of violence (The Global Women's Institute and the International Rescue Committee, 2017). While the reach of the formal legal system is limited, most cases of violence reported to authorities are typically handled by the customary legal system. The 2011 South Sudan transitional constitution (SSTC) also enshrines the importance of the customary legal system, and most cases of violence against women and girls are adjudicated through this informal system (Clancy, 2012). The customary legal system is typically presided over by local, male chiefs who have little, if any, formal legal training, and customary punishments vary by community and culture.

Figure 1: South Sudanese court system

Level	Court	Primary functions
State level	A Court	Appeals and application of statutory law.
County level	B Court	Overseen by paramount chiefs who deal with divorce, rape and IPV (if serious).
Payam level	B Court	Overseen by paramount chiefs who deal with divorce, rape and IPV (if serious).
Boma level	C Court	Overseen by boma chiefs who deal primarily with IPV.

As noted above, there are some legal frameworks governing the prosecution of VAWG, but the reality is these laws are limited and do not expressly cover physical or sexual IPV. In addition, state level courts only exist in state capitals and do not cover the majority of South Sudanese women and girls. Up to 90% of court cases in South Sudan are seen in customary rather than formal courts (Women's Security and the Law in South Sudan, 2012).

While the customary system differs by community and tribe, customary law favours compensation and reconciliation over punishment (Kircher, 2013). And although there is no standard codified series of customary laws, they are seen overall as supportive of patriarchal norms and biased against survivors seeking justice. For example, unmarried survivors of rape are often made to marry the perpetrator of the rape under the customary system. Similarly, cases of domestic violence aim to facilitate reconciliation between the husband and wife.

**“We don't like the customary system because it's not gender sensitive and the safety of survivors is often compromised.” Focus group 1**

Chiefs who are meant to adjudicate on these issues often agree with the gender-inequitable norms that are pervasive throughout South Sudan. They lack formal legal training and often rule on the side of the perpetrator or force the survivor to marry the perpetrator.

**“Chiefs are trained on how to manage these cases. They go and talk to the family, but they don't do more (because of lack of knowledge, tradition, etc.)” Interview 6**

In addition, women who have experienced violence and referred to state level courts, do not always have their cases adjudicated in accordance with the law. And even in cases where the court finds in favour of a survivor, the court often lacks the ability to enforce their verdicts (Deng, 2013).

**“If the survivors know the one who raped them, we usually follow up the case and we stand with them before the court. We always report these rape cases to the government, but the government doesn't take it seriously.” Interview 14**

<sup>11</sup> A political reorganisation in 2016 increased the number of states from 10 to 32 states; however, functionally political reorganisation has not yet been completed.



Peter Biro/IRC

**“Application of the customary law itself in cases of child marriage is common. It may be a very clear cut case of forced marriage to take to the criminal prosecutors, but the parent/relatives are the perpetrators. Society is hostile. When they come her and she is underage, but the man has paid the family 100 cattle, which the family wants.” Interview 4**

While there have been some limited efforts to standardise the formal and customary systems, these efforts have not proven to be successful.

**“In 2009, the Ministry of Justice tried to harmonise the statutory and customary law. They hired a consultant to do this, but it wasn’t possible. The customary laws are often not written down.” Interview 12**

#### Security sector

Overall, the security sector in South Sudan is very weak, with continuing conflict occurring throughout the country that has a direct effect on the lives of women and girls. This includes conflict-related sexual violence (CRSV) and abduction (The Global Women’s Institute and the International Rescue Committee, 2017; Deng, 2013).

As with the formal legal system, the South Sudan Police Service (SSPS) has a limited ability to provide services throughout the country. Police posts are often limited to county and payam seats and do not usually have coverage at the boma level. Additionally, police are often not given training on how they should respond appropriately to women and girls who have experienced violence. This lack of capacity in the security sector and a culture of impunity has meant that the SSPS has failed to act on cases of abduction, even when directly presented with an abductor (Lacey, 2013).

**“Not all locations have police posts that could provide services. Even when they are there, they are sometimes not strong enough to support survivors. When survivors do report to the police, they are exposed.” Focus group 1**

Some efforts have been made to better support women and girls seeking support services via the police or military. For example, special protection units (SPUs) were created at police stations to improve the handling of domestic violence and sexual assault cases. Police officers in these units were trained to deal sensitively with women and children and the centres offered psychosocial support, legal aid and medical care. These units now function under the Ministry of Interior and social workers are assigned by the state to support the functioning of these units. However, there is a lack of capacity and these units are only available in urban centres (Human Security Baseline Assessment, 2012).

**“Special protection units – gender desks within the police – exist, but there is not much capacity. We tried to work with the gender desks in Aweil but we needed to provide everything – airtime, phone, etc. The capacity was low, but they would come to receive survivors. They were working.” Interview 7**

Informants noted before the outbreak of conflict in December 2013 international agencies and NGOs were heavily involved in supporting the special protection units. This included efforts to train police and other law enforcement institutions to enhance and upgrade their professional competencies when dealing with GBV cases. However, there is a major concern that many police officers from SPUs are being transferred to other departments such as traffic, which is affecting continuity and service delivery. On a more positive note, these capacity building efforts do continue today. They are supported by the UN Development Programme, UN Populations Fund, other international agencies and NGOs, which work in collaboration with the South Sudan Police Service and judiciary, and the ministries of interior and justice.

There also have been some pilot efforts to establish safe shelters for women seeking to leave violent relationships, avoid forced marriage, etc. Informants noted that these efforts have focused on providing temporary shelter for women and girls whose lives are in danger from continuous threats of perpetrators; they are then assisted to seek services from the referral pathway. However, these efforts are currently very limited in scope and guidance on establishing and implementing shelters and safe spaces has not been finalised. Key informants also explained that these efforts have mainly been led by the international community rather than the government. Linked to this work are efforts by the international community and state ministries to develop national guidelines for the establishment and implementation of safe shelters.

Similarly, the whole national security sector has been heavily supported by the international community in the form of the UN Mission in South Sudan (UNMISS). UNMISS has a gender affairs unit that supports gender mainstreaming and the involvement of women and girls in peace-building processes that aim to prevent conflict and improve responses to it. UNMISS also has human rights and women protection advisors working in the country who are documenting cases of CRSV and other human rights violations (UNMISS, 2016). As part of UNMISS, the UN Police (UNPOL) are supporting the SSPS and directly protecting civilians. This is particularly the case in UN Protection of Civilians (POC) sites throughout the country. While there have been efforts to ensure all UNMISS and UNPOL personnel are oriented on how to manage cases of VAWG that are reported to them, implementation on the ground has been mixed.

**“UNPOL has a lack of understanding of patient confidentiality and will go to [service provider] and ask for names, etc., and want to follow up with block leaders. Confidentiality is a serious issue.” Interview 15**

#### Supportive international environment

The newly formed state of South Sudan has been heavily reliant on regional and international forces since its founding in 2005. International donors have subsidised key workings of government, such as the health and education sectors, to ensure some basic level of service provision.

This situation is reflected in implementation of VAWG prevention and response programmes in South Sudan, with the international community heavily supporting and driving the limited number of programmes that have been implemented. Key informants noted that international donors, UN actors and INGOs have provided training, material support and funding to national and state level gender ministries to ensure the basic functioning of VAWG services.

Similarly, the international community has played an essential role in ongoing PBSB efforts. This includes UNMISS significantly supporting the security sector in many ways, from physically providing refuge to people affected by conflict since the start of 2013, to training local security actors (UNMISS, 2018). Informants also noted that UN Women has made efforts to advocate for the perspectives of women and girls to be included in PBSB efforts, at local and national levels. This work has included supporting women’s leadership programmes and civil society organisations.

Certainly, the efforts of the international community have been considerable. But because governmental structures lack capacity and VAWG is not a priority to them, the effectiveness and impact of the international community’s efforts are limited. In addition, informants noted that international donors are becoming increasingly frustrated with the problems they face in South Sudan, which is leading to a reduction in the funding for humanitarian and development programmes. For example, the Humanitarian Response Plan (HRP) was 93% funded in 2016, 72% in 2017, and only 44% in 2018 (UNOCHA, 2018). This declining funding situation puts at risk the gains already made by VAWG service providers.

#### 4. Conclusions and recommendations

The lack of protection for women and girls in South Sudan contributes to continued instability and conflict. These common and re-enforcing drivers of conflict and VAWG have the potential to link public and private violence, and their associated prevention and response strategies in South Sudan. Hudson et al have laid out an argument that the security of women is a key factor in predicting the peacefulness of the state, and that addressing (or failing to address) VAWG has important repercussions on wider state security (Hudson et al., 2008). This is clearly applicable in the case of South Sudan, where the intersections of public and private violence are considerable and the gendered component of inter-communal conflicts and the 2013 crisis should not be ignored if lasting peace and stability is to be achieved.

Overall, state-building has been a failure in South Sudan and efforts to reduce VAWG and provide services for survivors have been marginalised. Given the lack of effective state-building and continued violence at state level, it is not surprising that services surrounding VAWG are inadequate. However, as noted above, VAWG is a key component of much of the ongoing civil conflict, and even women and girls who have not experienced direct militarised sexual violence have felt the effect of these conflicts in other ways, such as increased severity and frequency of IPV. As such, this is not the time for the state and international community to abdicate responsibility in addressing these issues. VAWG prevention and response programmes, including programmes that address forms of violence that have not traditionally been associated with conflict, should be a priority for the South Sudan government, UN and non-governmental interventions.

Women and girls, and particularly those from outside the urban elite, need to be engaged to ensure gender-responsive peace-building initiatives are developed and effective services are available to survivors of VAWG. Women and girls have too often been ignored in the peace-building processes of South Sudan, and particularly at the inter-communal level. This must change. They need to be engaged at a community level to help build lasting, grassroots change, which will help to start the process of changing gender norms and creating gender-responsive peace strategies.

Women's organisations and community based organisations (CBOs) need to be supported to do more advocacy around national peace-building and policy development in support of women and girls. While some women's civil society organisations exist and do important work as part of peace-building and state-building initiatives, the women's movement in South Sudan is not well developed in comparison to surrounding East African countries and other conflict-affected countries around the globe. More attention, funding and support is needed to build and empower these organisations so they have a lasting impact on the lives of women and girls in South Sudan.

Policy and programmatic efforts to support women and girls and reduce VAWG need to be better coordinated and linked. Policymakers, including those involved in the development and implementation of the National Action Plan, have little interaction with NGOs and government social workers that implement many VAWG prevention and response programmes. Improved coordination is needed to fully understand the efforts that are taking place to support women and girls, and to ensure that limited available resources have the most impact. In addition, women need to be involved in the work of the National Constitutional Amendment Committee (NCAC) to create new policies and adapt existing legislation so it's in line with ARCSS, as this will help to create gender-responsive policies and legislation.





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## Partners



### What Works to Prevent Violence Against Women and Girls in Conflict and Humanitarian Crises

What Works to Prevent Violence Against Women and Girls (What Works) is an international multidisciplinary partnership led by the International Rescue Committee (IRC) with George Washington University's Global Women's Institute (GWI) and CARE International UK (CIUK). Additional academic and research partners include the London School of Hygiene and Tropical Medicine (LSHTM), the Africa Population Health Research Center (APHRC) in Nairobi, Kenya, and Forcier Consulting in Juba, South Sudan.



### CARE International UK

CARE International is one of the world's leading humanitarian and development organisations. Founded in 1945, the organisation has been fighting global poverty and defending the dignity of people around the world for 70 years. CARE currently works in 79 poor and developing countries, helping millions of the world's poorest people find routes out of poverty. It provides life-saving assistance when disaster strikes, and helps people rebuild their lives afterwards. It works alongside poor people and communities on long-term programmes to deliver lasting change. Its programmes and policy work tackle the underlying causes of poverty so that people can become self-sufficient. CARE places special focus on empowering women and girls because, equipped with the proper resources, women have the power to lift whole families and communities out of poverty.

## The Global Women's Institute

THE GEORGE WASHINGTON UNIVERSITY

### The Global Women's Institute at the George Washington University

The Global Women's Institute (GWI) envisions a world where women and girls have the same rights and opportunities as men and boys and are free from discrimination, violence and coercion. GWI is a leading organization that bridges research, education and action to advance gender equality and reduce violence and discrimination against women and girls. By strengthening the global knowledge base on gender issues and being a catalyst for change, GWI makes a difference in the lives of women at home and abroad. GWI finds interventions that work, explains why they matter and takes action to bring about change.



### The International Rescue Committee

The International Rescue Committee (IRC) responds to the world's worst humanitarian crises and helps people whose lives and livelihoods are shattered by conflict and disaster to survive, recover and gain control of their future. At work in over 40+ countries to restore safety, dignity and hope, the IRC leads the way from harm to home. The IRC was one of the first humanitarian organisations to launch specific programmes for survivors of violence against women and girls (VAWG), implementing VAWG programmes in refugee settings and other conflict affected communities from 1996. Over the past 17 years, the IRC has pioneered programmes that prevent and respond to VAWG, especially in emergencies and crisis, making the IRC a global leader in this field. Today, the IRC manages programmes targeting VAWG in 30 countries in Africa, Asia, and the Middle East, helping restore the dignity of survivors, creating economic opportunities for women and girls to rebuild and transform their lives, and tackling the root causes of violence.

