Protection of Civilians from Sexual and Gender-Based Violence (SGBV)

Insights for African Union Peace Missions

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Key Messages:

- Zero tolerance policy for sexual exploitation and abuse (SEA) by peace mission personnel is essential for the AU to reach international standards. The AU needs to internalize this zero tolerance policy through adopting and publicizing norms, and socializing them into peacekeeping doctrine, policies and practices. The zero tolerance policy ought to be incorporated in training of peace mission personnel and enforced through monitoring and disciplinary action at HQ, by peace missions, and by troop contributing countries;

- Identifying factors that inhibit or heighten sexual exploitation and abuse of local populations by peace mission personnel;

- Military observers and ceasefire and human rights monitors should include monitoring of SEA by peace mission personnel and sexual and gender based violence (SGBV) against civilians by all parties to the conflict as part of their mandates and standard operating procedures;

- Documenting types of SGBV and mapping their variations and patterns is necessary to strengthen strategies to protect civilians during and after armed conflict;

- Women’s meaningful participation in peace processes significantly contributes to positive peace outcomes;
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PROTECTION OF CIVILIANS FROM SEXUAL AND GENDER-BASED VIOLENCE

- Women’s participation as peace mission personnel, military personnel, military observers and civilian police enhances peace missions’ efficiency and effectiveness, and the AU should aim for a target of 5% of military peacekeepers and 15% of civilian police to be female by 2030.

Methods:

To produce this paper, we reviewed the commitments of African states through national and international law to protect civilians against SGBV during and after armed conflict (reviewing 25 legal documents). To create Table 1 (below) on the forms of conflict-related SGBV where peace missions in African have operated (2000 to 2015), we reviewed 280 documents, including UN and AU reports, national and international commissions of inquiry, international non-governmental organization reports, and national and international media reports. We then reviewed 76 studies on patterns of SGBV in conflict; factors related to peacekeepers’ SEA of civilians; how women’s inclusion in UN peace missions and peace processes affects overall mission success; and the role of gender (in)equality and women’s physical (in)security as predictors of states’ likelihood to engage in violent internal and international conflict. In total, we reviewed 381 documents to produce this report. The first author has conducted research and published on gender and peacekeeping missions since 2002.

Key Findings:

I. IMPROVING RESPONSE THROUGH UNDERSTANDING AND ANALYZING SEXUAL VIOLENCE

Sexual Violence in Conflict

Sexual violence committed by parties to an armed conflict is prohibited under international law. SGBV can constitute a war crime, crime against humanity, and genocide. Under international law, no woman, man, girl or boy shall be subjected to sexual violence, rape, sexual slavery, enforced prostitution, forced marriage, forced pregnancy, enforced sterilization, sexual mutilation, outrages on personal dignity or any other form of sexual violence of comparable gravity. International law has defined the elements of these forms of violence and provides African States and the AU with clear and useful definitions on which to base their analyses and protection efforts.


How Analysis of SGBV Improves African Peace Missions Response

It is necessary to objectively and continually document and analyze the range of SGBV occurring during contexts in which peace missions are active. Such documentation and analysis will help to clarify the sources and dynamics of the conflict and identify issues of grave concern to the population, the government(s) and the mission. Within this documentation and analysis there is a pressing need to include information on the means affected populations use to try and stay safe and alive in the face of violence, and their priorities for protection. Through smart documentation and analysis, and concerted engagement with the affected populations, peace missions can develop more effective interventions to help ensure the protection of civilians against SGBV and other forms of violence. This documentation, analysis and engagement is best placed to occur through protection of civilian advisors, women protection advisors, and child protection advisors, which should be part of AU peace missions.
Table 1 indicates the types of SGBV that were reported in situations of armed conflict and crises where select peace missions in Africa were present from 2000-2015. There is variation in which forces perpetrate SGBV; the prevalence of different forms of SGBV; whether the perpetration by the different forces is more systematic, opportunistic or a practice; if it is carried out by individuals or groups; and how different perpetrators’ use of SGBV changes over the duration of the conflict. These forms of variation are important for the AU to consider in their analyses of the conflict throughout its course and in post-conflict settings.

Protesting the type of SGBV present, mapping their variation, and understanding if the crimes are systematic, opportunistic or a practice (i.e., not ordered but tolerated by commanders) the African Union will be in a much stronger position to devise strategies for protecting civilians from this violence.

The continued marginalization of the SGBV experiences of women, men, girls and boys tends to lead to a focus on war crimes, crimes against humanity and crimes of genocide that prioritize outright killing above all else. Indeed, when conflict-related SGBV is overlooked, it results in a serious underestimation of the severity of sexual violence during conflict, the life-long affects, the gendered multipliers of this violence, and the ways in which women, men, girls and boys lives are cut short as a consequence. Adding a focus on SGBV means thinking differently about why perpetrators “allow” their victims to live after severely abusing and traumatizing them, recognizing that at times this is part of their intention to harm or destroy the larger group. A focus on

SGBV requires paying careful attention to the context of crimes to ensure that we link various forms of violence occurring and the victims of these crimes – rather than disaggregating killing, displacement, disappearance, rape, etc. – so that we better understand what is actually happening, how violent crimes are linked, the intent and patterns among perpetrators, and the likely effects on survivors, their families and communities.
II. ENHANCING PEACE MISSIONS’ ABILITY TO PROTECT CIVILIANS

Community-based Forums to Enhance Analysis and Protection

Concerted, careful and regular engagement by members of peace missions in Africa with the affected populations is essential to understand the sources and dynamics of SGBV and other forms of violence. This engagement with local populations is also crucial to better understand people’s own efforts to try and protect themselves. The African Union should expand its political and civil elements to leverage the power of local governance, civil society, religious organizations and a deep tradition of community gatherings and dialogues to create forums in which different members of conflict-affected communities contribute their understanding of the main threats to their safety and lives, and how they think they can be best protected. Such information would be valuable for peace missions to develop more effective interventions to help realize the protection of civilians.

While key actors within local communities are at times consulted by peace mission personnel, those actors tend to be males: camp leaders, local government officials, clan leaders, religious leaders, community leaders. Women’s participation in peace mission forums to discuss protection concerns is essential, as research demonstrates that women and girls experience different threats and risks and pursue different strategies to try and mitigate these threats. Thus, creating forums to engage with diverse members of the community, including women’s groups, women leaders, women health care providers and market women is important to best identify protection threats and strategies. Additionally, efforts should be made to include the participation of ethnic and or religious minorities and women within those groups. Such efforts would better enable strategies to be tailored to account for women’s and girls’ movement and space, which is often different from men and boys.

Peace Missions Personnel’s Sexual Exploitation and Abuse of Civilians: A Problem for Peace Missions in Africa

It is widely acknowledged that crimes of SEA are vastly under-reported throughout the world. In countries hosting peace missions, under-reporting is likely even greater, given the often weak and corrupt state of the justice, law and order sector, and the fact that the perpetrators may be army, police, or governmental officials. In such circumstances, victims do not feel safe reporting the abuse and they may be pressured from families and communities to keep silent. Many more SEA crimes by peace mission personnel are likely occurring than those that are actually reported and alleged. In 2003, the UN Secretary-General issued a statement defining sexual exploitation and abuse, as well as a zero tolerance policy on SEA by peacekeepers and UN personnel, and has taken multiple measures to protect civilians from SEA. Yet recent events of peace mission personnel sexually exploiting and violating civilian women and children in Somalia and the Central African Republic highlight that some military, police and civilian peace mission personnel continue to take advantage of their positions of relative power and wealth to sexually exploit and abuse the people they are sent to protect.

SEA by peace mission personnel is a serious issue. Since 2006, the missions with the highest levels of SEA allegations are nearly all located in Africa: MONUC/MONUSCO in the DRC; BINUB/ONUB in Burundi; UNMIL in Liberia; UNOCI in Côte d’Ivoire; UNMIS in Sudan; along with MINUSTAH in Haiti. In over half the reported cases, the crimes are egregious forms of SEA, including rape, and in over a third of the cases, the victim was a child.

Factors that Contribute to SEA by Peace Mission Personnel

We reviewed research into what factors contribute to SEA by peace mission personnel, and which factors help curb or prevent SEA. In particular, we looked at data from an analysis of all 25 UN peace operations that took place during the time period of 2006-2011; similar data on AU missions is not available.
First, one of the most significant factors correlated to increased prevalence of SEA by peace mission personnel is whether the conflict environment where they are present also has high levels of SGBV perpetrated by parties to the conflict and by civilians against other civilians. The more that acts of SGBV in the conflict are ‘serious’ or ‘widespread’, the greater the likelihood that peace mission personnel will also be engaged in SEA. Key factors that seem to drive acceptance and practice of SEA in these sites are widespread male domination and female subordination, females being coerced into sex for survival and access to resources (both prior to and during the conflict), and SEA within the community being seen as acceptable by the local populations.

Second, conflicts in which large numbers of people are displaced are significantly correlated with higher levels of SEA by peace mission personnel. Where populations are displaced, they are more vulnerable, in large part due to the significant disruption of their livelihoods and previous family and community protection networks. As a result, many may be reliant on relief and aid, which is often precarious and unreliable. They may also resort to negative coping strategies, including being coerced into exploitative relations to secure resources.

Factors that Curb, Prevent and or Address SEA by Peace Mission Personnel

Research finds that one of the most important measures to prevent SEA has been the creation of a robust Conduct and Discipline Unit at UN Headquarters and within each peacekeeping mission; for smaller political missions, there may be a single person appointed as a conduct and discipline advisor. A second key factor associated with reduced SEA by peace mission personnel is the presence and continued empowerment of Gender Focal Points, Gender Advisors or UN Special Representatives to the Secretary General who use their positions to help empower local populations. Another important initiative is pre- and post-deployment training (upon arrive at the mission) for all military, police and civilian members of a peace mission, specifically on addressing and stopping SEA. Effective training is comprehensive and situation based, in which commanders and senior civilian personnel heading units for the peace mission are given detailed training, including on issues of accountability, reporting and investigation, and SGBV and protection. Such trainings are already available by the UN and could be requested by the AU and tailored to the contexts in which AU missions are operating.

Currently, the AU falls short when it comes to addressing, preventing and taking action against perpetrators of SEA on peace missions. The AU needs to act upon its commit to address SEA and immediately put into place a robust Conduct and Disciplinary Unit at HQ and within each peace mission, with officers on the ground, design more effective reporting mechanisms, and increase outreach to communities.

III. IMPROVING AFRICAN PEACE MISSION OUTCOMES THROUGH MEANINGFUL INCLUSION OF WOMEN

Article 10 on the “Right to Peace” of the African Charter on Human and People’s Rights on the Rights of Women in Africa states that “Women have a right to a peaceful existence and the right to participate in the promotion and maintenance of peace.”

Does women’s meaningful participation influence the success or failure of peace missions and processes, and how can its best affects be enhanced?

Women’s Meaningful Participation Key to Success of Peace Processes

The inclusion of civil society matters to successful transition and peace outcomes. Research finds that women’s meaningful inclusion in peace processes is especially important.

If the goal of a peace process is only to end violence, then women— who are rarely the belligerents—are unlikely to be considered legitimate participants. If the
goal is to build peace, however, it makes sense to gain more diverse inputs from the rest of society—women and others who will be affected by these decisions. Evidence from 40 peace and transition processes around the world, including 17 processes in Africa, shows that when women’s groups were able to effectively influence the process: a peace agreement was almost always reached; a greater number of issues were brought to the table in specific and concrete ways, including a range of human security issues; the women were able to push for finalization of negotiations when momentum stalled; women were able to successfully advocate for context-specific women’s rights and gender equality in agreements; and the agreement reached was more likely to be implemented. Importantly, women’s participation increased the probability that the peace agreement will last longer.

How can the meaningful inclusion of women in such processes be achieved?

Seven models of participation are found to increase inclusivity in peace and transition processes:

- women’s direct participation at the negotiation table;
- holding observer status;
- in consultations;
- membership in inclusive commissions;
- in problem-solving workshops;
- in public decision making; and
- in mass action.

In addition, in a variety of contexts, four key strategies were found to help advance women’s meaningful participation: 1) the inclusion of women through intensive pressure by women’s organizations focused on peace and human rights within the country; 2) the creation of a credible selection process to determine which individuals and groups to work with; 3) creating the conditions to ensure that women’s voices can be heard; and 4) determining where women are best positioned to have real power to shape processes.

Women in Peace Operations

This section presents findings on the inclusion of women in military, police and in the gender units of the civilian components of United Nations peace missions. A similar analysis of AU peace missions is not possible because no sex-disaggregated data of peace mission personnel is kept. AU peace missions need to immediately begin to establish a system to record and make public sex-disaggregated data on its peace mission personnel. However, given that the majority of UN peace missions occurred in Africa, the findings from a review of UN peace missions are relevant and applicable for the AU’s future planning, policy and implementation.

Military personnel make up the vast majority of most peacekeeping operations. As of 2015, only 3% of military personnel in UN peacekeeping missions were women. This is primarily due to the fact that women make up low numbers of most national armed forces and both UN and AU missions rely on national armed forces. Currently, women comprise 10% of CIVPOL, although the UN Police Division is heavily recruiting women police, including through the establishment of an international network of women police in peacekeeping.

Research finds there are a number of ways women in the military and police can enhance a peace mission. Importantly, no woman peacekeeper has ever been accused of SEA on a mission, though the mere presence of women peacekeepers alone does not deter male peacekeeper abuse of local women. Women in military and police components are perceived as more accessible by local populations, particularly local women, which is important as local populations have aligned with peacekeepers in numerous ways, including helping to reveal weapons stashes, in the collection of weapons, in a range of DDR activities, in landmine education, in building civil society organizations focused on women's and human rights and a number of other key activities. Studies find that the presence of women
in military and police is perceived by some local populations to signal gender equality and strengthens hopes that the host country itself might improve its own women’s rights. Women peacekeepers improve targeted outreach to communities, widen the range of skills and capacities of a peace mission, improve the mission’s image, accessibility, and credibility with the local population and enhance overall operational effectiveness. They are also potentially better able to assist both male and female victims on cases of SGBV, in working with female perpetrators, and in DDR of females associated with fighting forces.

In addition, research finds that compared to their male counterparts, women police in national police forces have significantly lower rates of complaints lodged against them regarding misconduct, improper use of force, inappropriate use of weapons, and corruption. Compared to their male colleagues, women police are less authoritarian in their interactions with citizens and lower ranking officers and exhibit better skills at defusing tense situations. Finally, where women are investigators, they are shown to have higher success rates in their investigations.

Since 2009, gender units and women protection advisors are part of all multidimensional UN peacekeeping missions. Almost every mandate of UN peacekeeping missions now includes provisions on women, peace and security, and almost every directive for the military and police components now include specific instructions to address women’s security.

In recent years, there have been abundant gender-sensitive innovations in peace missions designed to realize commitments on human rights, the protection of civilians, and women, peace and security. Evaluations of these initiatives show their overall effectiveness in reducing violence, holding perpetrators accountable and improving avenues for women to access and claim their rights. However, UN peace missions have failed to scale up and integrate these programs appropriately and therefore they miss an opportunity to enhance protection of civilians and overall operational effectiveness of UN missions. The AU should press for UN missions to scale up and integrate these programs and the AU should integrate best practices into their own missions.

IV. GENDER (IN)EQUALITY: A GOOD PREDICTOR OF STATE INTERNAL AND INTERNATIONAL VIOLENCE

Efforts towards ensuring greater gender equity are significantly connected to preventing violent inter- and intra-state conflict and preventing conflict-induced humanitarian crises. Gender equality and inequality within a state has serious implications for a country’s likelihood to experience armed conflict and thus should be a concern of the African Union and its Peace Missions.

Studies find that norms of gender equality within a state are associated with attitudes and behavior toward violent conflict, including armed conflict. Greater gender empowerment within a state is correlated with decreases in states’ use of force internationally and reduces the occurrence of intrastate violence. Gender equality is also correlated with limits in the escalation of violence during militarized interstate disputes. Gender equality is also correlated to decreases the severity of violence during crises. Gender equality reduces the likelihood that a state will use force first in interstate disputes. The greater the access of women to political power, the lower the likelihood that a state will engage in interstate disputes and in war. Importantly, it is not merely the presence of women, but the presence of gender equality that matters, particularly as it shifts the dominance of values associated with masculinities towards values associated with femininities, especially in the security sphere. Beyond the state, research finds that societies that are more gender-inclusive are much less likely to be violent.

Of course, the opposite is true for states with greater gender inequality: they are more likely to use force internationally and internally, use force first in interstate disputes, escalate militarized conflict, and increase the severity of violence in crises.

The physical security of women within a state is also significantly associated with the peacefulness of the
state, the extent to which the state is a concern to the international community, and the quality of relations with its neighbors (and is in fact a better predictor than the level of democracy, level of wealth, or prevalence of Islamic culture). Additionally, states that are indifferent about enforcing their own laws that protect women are significantly more likely to fail to comply with international laws and norms. "If a state does not care about its women, it also tends not to care about the international commitments it has made."28

V. RECOMMENDATIONS

To significantly enhance African Peace Missions, the African Union should:

- Develop gender analysis capacity within the Conflict Early Warning System, with staff trained in appropriate methods, as well as placing trained staff in civilian protection, women’s protection, child protection and or monitoring and analysis units within each peace mission.
- The African Union should expand its political and civil elements to leverage the power of local governance, civil society, religious organizations and a deep tradition of community gatherings and dialogues to create forums in which different members of conflict-affected communities contribute their understanding of the main threats to their safety and lives, and how they think they can be best protected. Ensure women’s participation in these forums.
- Establish clear guidelines to better prepare peace mission personnel and lessen the likelihood of SEA.
- Immediately adopt UN standards and rules on SEA, publicize, and enforce a Zero Tolerance for SEA policy as a key component of peacekeeping doctrine for all AU peace missions. Publicize this Policy at all levels, including among the general African public, and develop training for senior leadership, peacekeepers, and national militaries and police.
- Ensure a robust Conduct and Disciplinary Unit at AU headquarters and in the peace missions that would provide overall direction for mission conduct and discipline, training and outreach, investigation and tracking of allegations of misconduct. The Unit could be tasked with following up with Member States to encourage the proper investigation and, if warranted, prosecution or sanctioning of offending peace mission personnel by their national mechanisms. As UN experience demonstrates, the follow up with Member States should be at the highest level (Secretary General and Under Secretary Generals), with clear incentives and disincentives. This would help prevent the current state of impunity that damages the reputation of national armies and African Union,
UN and regional missions.

- Encourage and facilitate the presence of women in military (5%), police (10%) and civilian components of peace missions to enhance mission success. Set a goal of having peace missions comprised of 5% women in military, 10% women in police, and 25% women in civilian components by 2025.

- Prioritize efforts to ensure gender equality and women’s physical security in law and practice in countries where African Peace Missions are present.

5 United Nations Conduct and Discipline Unit, Sexual Exploitation and Abuse Policy https://cdu.unlb.org/Policy/SexualExploitationandAbusePolicy.aspx
7 Neudorfer
9 Neudorfer
10 Neudorfer
11 Ibid.
12 Ibid.
14 Desirée Nilsson demonstrated that peace agreements are 64 percent less likely to fail when civil society representatives participate, see Marie O’Reilly, Andrea O Suliabahn, and Thania Paffenholz, 2015, Reimagining Peacemaking: Women’s Roles in Peace Processes, International Peace Institute: New York, p. 62.
16 The percentage of women in military police forces is even lower.
19 United Nations, 2015, Preventing Conflict
22 Valerie Hudson, Bonnie Ballif-Spanvill, Mary Caprioli, and Chad Emmett, 2012, Sex and World Peace (Colombia University Press),


28 Valerie Hudson et al., 114.

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