

Peacebuilding Commission Working Group on Lessons Learned
Wednesday, 11 December 2013, 10:00 a.m. – 1:00 p.m.
Enhancing gender-responsive national reconciliation processes

Concept Note

I. Introduction

The Peacebuilding Commission's Working Group on Lessons Learned (WGLL) will convene a meeting on 11 December 2013 to address the issue of national reconciliation processes from the perspective of women's participation. The discussion will take place in light of the following recent developments: (a) the Peacebuilding Commission's declaration on women's economic empowerment for peacebuilding of 26 September 2013 and (b) Security Council Resolution 2122 which addresses the need to respond to the full range of violations that women experience during conflict and acknowledges the critical contributions that civil society, including women's organizations, make to conflict prevention, resolution and peacebuilding.

II. Objectives for the Meeting

1. Facilitate dialogue among national and international peacebuilding actors on challenges and opportunities for enhancing gender-responsive national reconciliation processes.
2. Share lessons learned and good practices from national experiences on enhancing gender-responsive national reconciliation processes.
3. Propose recommendations grounded in national experiences to inform the development of a gender policy/ guidelines for the Commission.

III. Key questions for discussion

- What are the good practices on developing and implementing gender-inclusive reconciliation processes?
- What are the main challenges to women's full participation in reconciliation processes and how they can be addressed from the start?
- How can the Peacebuilding Commission integrate a gender-inclusive approach to reconciliation to its work?

IV. Format: Panel Discussion

Chair: H.E. Mr. Motohide Yoshikawa, Permanent Representative of Japan to the United Nations

Panelists:

Mr. John Hendra, Assistant Secretary-General, Deputy Executive Director for Policy and Programme, UN Women

Mr. Jamal Benomar, Special Envoy of the Secretary-General for Yemen (TBC)

Ms. Janna Saralaeva, Expert of the Department of Ethnic and Religious Policy, Office of the President of the Kyrgyz Republic

Ms. Jamesina King, Vice Chairperson, Sierra Leone Human Rights Commission (via VTC)

V. Expected Results

1. Lessons learned, good practices and recommendations from the meeting to inform the development of a gender policy/ guidelines for the Commission.
2. Consideration of institutional measures to ensure systematic attention to gender issues in all PBC country-specific configurations.
3. Chair's summary and initial findings will be publicly available after the meeting that provides an overview of discussions, and that documents lessons learned and action points for the PBC.

VI. Background

The founding resolutions of the Peacebuilding Commission mandate that a gender perspective be integrated in all areas of its work. This mandate is based on the recognition that equal participation of women and men in peacebuilding processes can strengthen local ownership. It is also based on the insight that the peacebuilding period can be an opportunity for accelerated progress towards gender equality, and that gender equality can in turn support more sustained peace insofar as it ensures a fairer distribution of peace dividends and more inclusive local and national decision-making.

In the report on its sixth session (A/67/715–S/2013/63), the Commission introduced “national reconciliation” as one of two priority themes on which it sought to expand its knowledge base and provide added value in the context of its country-specific and/or institutional advisory roles. The focus on national reconciliation will be of particular relevance to the Commission’s country-specific engagement with Guinea and Liberia, which have identified the theme as a key peacebuilding priority.

“Reconciliation” is a broad concept. At its most basic, national reconciliation after conflict involves the building or rebuilding of relationships between communities damaged by violence and coercion. It is context-sensitive - each society must tailor its approach to the nature of the conflict and the character of the transition.

At its simplest it has been defined as: ‘a process through which a society moves from a divided past to a shared future’.¹ Reconciliation takes many forms: truth-telling, prosecutions, national dialogues, individual or collective reparations, peace education, etc. It is considered essential to building the trust between individuals and communities needed to enable societies to rebuild and cooperate towards democratic and non-violent approaches to resolving their differences. More specifically:

‘As a backward-looking operation, reconciliation brings about the personal healing of survivors, the reparation of past injustices, the building or rebuilding of non-violent relationships between individuals and communities, and the acceptance by the former parties to a conflict of a common vision and understanding of the past. In its forward-looking dimension, reconciliation means enabling victims and perpetrators to get on with life and, at the level of society, the establishment of a civilized political dialogue and an adequate sharing of power.’²

Whether reconciliation is about establishing a shared truth about conflict, or about building a common vision of the future, in many cases women have not adequately been included in these processes. Crimes they suffered during conflict may be overlooked, or worse, amnesty may be awarded for the crimes to which they were particularly subject, such as sexual violence. Their exclusion often means that their priorities and perspectives on future economic, political and social institutions and policy priorities are not heard.

Key considerations for gender-responsive national reconciliation processes

Gender-responsive national reconciliation processes can be one means of acknowledging women’s experience of conflict and contributions to peace. They can provide a platform from which women can work together to

¹ IDEA 2003, *Reconciliation after Violent Conflict*, Stockholm, Page 12. See also PBSO, *Building Just Societies: Reconciliation in Transitional Settings*, Workshop Report, Accra, Ghana, 5-6 June 2012 (http://www.un.org/en/peacebuilding/pbso/pdf/12-58492_feb13.pdf).

² Ibid page 19.

ensure that post-conflict institutional arrangements for governance, land reform, economic recovery, security sector reform and justice respect women's rights and allow for their full and equal participation. Where national reconciliation processes lead to constitutional reform, as is the intention in Yemen's current National Dialogue, women can establish and defend priorities for a more gender-equal society and generate broad social buy-in for their concerns.

There are four specific issues to be addressed in any consideration of gender-responsive national reconciliation:

(a) Women's equal participation

Women have often been excluded from local and national reconciliation processes and unable to have the harms they experienced acknowledged or redressed. Women in traditional societies face steep barriers to entry – let alone equal participation – in a number of areas, including governance institutions, credit and business support, and transitional and justice institutions. These barriers are experienced from the earliest moments of conflict, preventing women from engaging effectively in conflict prevention, and resolution, let alone national reconciliation.

Good practices to engage women in national reconciliation have included using quotas to ensure parity amongst female and male commissioners in truth-seeking bodies or other transitional institutions. For instance in **Yemen** a quota was used, resulting in women representing 29% of participants in the National Dialogues. Equally important are systems to enable women to caucus amongst themselves, and to ensure that women's civil society groups can engage with leaders to provide inputs to these processes. Sometimes this will require special outreach and communication to build awareness and trust amongst women. Enabling women's participation may also require specialized legal aid (for transitional justice mechanisms in particular), counseling services, and facilities to protect the identities of women survivors of violence who fear re-stigmatization by communities or backlash from perpetrators if their experiences are publicly shared.

(b) Acknowledging and responding to women's experiences of conflict

The extreme severity of some violations of women's rights, and the enduring social damage these violations inflict not just on direct victims but also on families and communities, are not fully understood or recognized in many contexts. As a result, there has been a tendency to overlook or even provide amnesty for conflict-related gender-based crimes, most notoriously, sexual violence. When women's experiences of conflict are ignored, sidelined, or relegated to a matter of secondary concern, their incentives for participating in reconciliation processes diminish. This is particularly the case if there is no strong condemnation of these gender crimes; the risk is that women will be re-stigmatized for having experienced rape, sex trafficking, and other abuses. It is critical that reconciliation processes respond to the full range of human rights violations experienced by women during conflict and to men and women's differentiated needs with respect to accessing and benefiting from these processes.

Mainstreaming a gender perspective throughout reconciliation processes in the design and implementation stage is central to ensuring women's participation, developing a more accurate account of the past, and ideally, securing justice for women's experiences of conflict. Gender and conflict analysis must guide the design of any reconciliation process to ensure that from the beginning appropriate steps are taken to recognize the differential impact of the conflict on women and men and to encourage that these matters are addressed in such a way as to both ensure truth, avoid trauma to the victims, and enable them to move on.

A positive example of efforts to address substantive and operational obstacles to women's participation was the **Sierra Leone** Truth and Reconciliation Commission. A distinguishing feature of the Commission's work from the outset was its intention to give special focus to the experiences of women during the conflict. The Commission

ensured that three of the seven Commissioners were women, one of whom had direct experience in tackling issues of gender-based violence during armed conflict. The Sierra Leone TRC consulted local and international women's activists early and often and formulated special rules of procedure that were designed to address the particular needs of female witnesses. Special hearings were held for women, and these had considerable success in addressing the issue of sexual violence. Additionally, the Commission provided food, transport, water and medical assistance where necessary to facilitate women's participation in Commission hearings.³

There is a concern however that reconciliation can substitute for accountability measures, to the point of providing amnesty for serious crimes. In his most recent report on Women, Peace and Security, the Secretary-General referred to: "a trend in recent years towards the use of reconciliation or dialogue commissions in conflict-affected states. While these bodies have a critical role to play in post-conflict recovery, they should neither be a substitute for accountability nor become a cover for impunity. Nor should they substitute for victims' rights and access to reparations, which is the most gender-responsive yet neglected transitional justice measure". The report goes on to request, in view of the growing importance of national dialogue and reconciliation processes in political transitions, that "UN-Women, relevant United Nations Secretariat entities and UNDP ... review women's participation in these processes and their gender-specific impacts, [and calls] for vigilance that these processes not be used to facilitate impunity for serious crimes."

This meeting will serve as one important forum to begin this review and inform the debate regarding the positive uses and potential misuses of these important institutions.

(c) Reconciliation as Transformation

For women who have, during conflict, expanded their economic activities, managed families on their own, and taken on public decision-making positions, there is often a concern that reconciliation could lead to a return to the *status quo ante*. If that means a return to gender-based discrimination, this will disadvantage women. For many women, reconciliation and the forward looking focus on social change, trust-building, and cooperation, requires a commitment to transformation in all social relations, including domestic relations between women and men.

In this respect, reconciliation efforts that involve legislative reviews to ensure that citizenship rights are fully equal for all citizens, including women, support for women's land ownership and inheritance rights, and bringing gender-sensitive approaches to public services, are of considerable importance to many women seeking social change. Reparations programmes have clear relevance to strategies for social transformation from the perspective of women seeking greater gender equality. In addition to being the justice mechanism most consistently prioritized by women post-conflict, reparations can provide acknowledgement of their rights as equal citizens, a measure of justice, crucial resources for recovery, and can thus contribute to transforming underlying gender inequalities in post conflict societies. Specialized reparations provisions have been used in response to war crimes suffered by women, including symbolic reparations (public commemoration of harms suffered by women), collective reparations (providing a public service or resource such as a school or clinic or women's shelter in the affected area) and individual reparations (access to land, training or other resources). The challenge is to provide reparations that subvert instead of reinforce gender hierarchies, and the structural inequalities that may be the causes of the violence that women experience before, during and after the conflict.⁴

³ UN Women, 'Gender and Transitional Justice Programming: A Review of Peru, Sierra Leone and Rwanda' (2010 revised 2012).

⁴ See Special Rapporteur on Violence Against Women, *Reparations to Women Who Have Been Subjected to Violence*, 17, U.N. Doc. A/HRC/14/22 (2010) para 31; *González et al. ("Cotton Field") v Mexico* (Inter-American Court of Human Rights 16 November 2009) para 450.

(d) Engaging women as reconcilers

Women's social roles in some contexts position them well to lead reconciliation efforts. They may be trusted by local populations more than are discredited political or traditional leaders and therefore can be a valuable resource for reconciliation initiatives. In Liberia in the early years of this century, when so many peace initiatives had failed, it was the inter-faith women's peace organization – the Muslim and Christian members of the Women of **Liberia** Mass Action for Peace – led by Nobel peace prize winner Leymah Gbowee, that was the first to reach out to soldiers, particularly child soldiers, and persuade them to participate in the disarmament process. Prior to that, they had earned tremendous credibility amongst Liberians for their bold engagement in the peace talks where their daily demonstrations and dialogues with negotiating parties accelerated the final agreement.

After the 2010 ethnic violence in **Kyrgyzstan**, women in southern Kyrgyzstan mobilized into informal groups of peace activists, and took responsibility for providing immediate support to conflict survivors. They later formed Women's Peace Committees in the southern part of the country, ensuring that the specific needs of women and vulnerable groups were included in the post-conflict recovery process. UN Women supported by providing capacity-building on mediation and post conflict priority setting, which was in part funded by the PBF.

VII. Background Documents

- Valji, Nahla. "A Window of Opportunity: Making Transitional Justice Work for Women." UN Women 2012. <http://www.unwomen.org/~media/Headquarters/Attachments/Sections/Library/Publications/2012/10/06/B-Making-Transitional-Justice-Work-for-Women.pdf>.
- [United Nations, *Women's participation in peacebuilding*, Report of the Secretary-General, 7 September 2010, A/65/354-S/2010/466](#)
- [PBSO, *Building Just Societies: Reconciliation in Transitional Settings*, Workshop Report, Accra, Ghana, 5-6 June 2012](#)