



# Gender and Post-Conflict Governance: Understanding the Challenges

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\*Any reference to “UNIFEM” in the document must be understood to refer to “former UNIFEM”, one of the four entities merged into the United Nations Entity for Gender Equality and the Empowerment of Women on 21st July, 2010 by United Nations General Assembly Resolution A/RES/64/289.

\*Any reference to United Nations “resolution 1325 and subsequent resolutions or 5 WPS resolutions” in the document must be understood to refer to Security Council resolutions on women and peace and security 1325 (2000); 1820 (2008); 1888 (2009); 1889 (2009); and 1960 (2010). As of the reprint of this Sourcebook in 2014, two additional resolutions on women, peace and security have been passed: 2106 (2013) and 2122 (2013). The full texts of these new resolutions are provided as annexes, but have not been included in the text of this reprint.

On the cover: Women community leaders of the Women's Watch Group in Ghanchi District, Tajikistan, gather for a dialogue with local authorities on service delivery.

*Credit: UN Women/Ana Lukatela*

## KEY CONCEPTS

*Transition: A period of change from one political regime or system to another, often describing the process of emerging from conflict to peace, when there is a priority effort to create conditions for political stability, security, justice, social equality, and economic recovery.*

*Governance: The exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences (UNDP, 1997, Governance for Sustainable Human Development, New York).*

*Gender-responsive governance: The management of public affairs in a manner that addresses the social relations that undermine women's capacity to participate in public decisions and responds to gender biases and patterns of exclusion. Women's inclusion in oversight processes and advancing women's human rights is a key standard against which the performance of officials should be assessed (UNIFEM, 2008, Progress of World's Women: Who Answers to Women?, New York, p. 2).*

*Gender-responsive governance reforms: Reforms that lead to greater accountability to women by ensuring that institutions respond more effectively to women's needs and priorities, in particular improving their access to livelihoods and citizenship rights, and require and produce more participation by both women elites and grassroots.*

## INTRODUCTION:

Transitions from conflict, political crisis or humanitarian disaster often present opportunities to strengthen women's leadership, empowerment and rights in governance processes.

Around the world, as countries undertake transitions towards peace, good governance and democracy, women have asserted their demands for participation, representation, accountability and political freedom.

As universal as these goals are, they nevertheless remain elusive. Progress has been slow in increasing numbers of women in elected representative office – they still average just one in five parliamentarians globally and are also poorly represented in local decision-making bodies, whether as mayors and local council members or in appointed positions in institutions such as the public administration.

However, increasing the number of women in public office is not sufficient. Beyond numeric representation women also need their interests to be substantively represented in order for governance processes to advance women's social, political and economic outcomes. Gender-responsive governance reforms are

intended to connect the numeric and the substantive representation of women. Gender-responsive governance ensures that institutions respond more effectively to women's needs and priorities; enhance women's wellbeing, livelihoods and citizenship rights; and build government institutions that require and produce more participation by women, and not only by women elites, but also by grassroots women.

Many types of institutions of governance and public administration, such as constitutional committees or electoral commissions, lack systems or the capacity to ensure women's interests are articulated and addressed in public policy. In addition, public institutions are inconsistent in holding power-holders accountable for failures to protect women's rights or responding to women's needs.

Improving the status of women in conflict and post-conflict contexts can improve the welfare of the household and the

**AS 'STANDARD OPERATING PROCEDURES' FOR GOOD GOVERNANCE REFORM AND PROGRAMMING, THESE CONSIDERATIONS AIM TO ENSURE THAT WOMEN PARTICIPATE IN ALL POST-CRISIS GOVERNANCE PROCESSES, THAT THEIR RIGHTS AND NEEDS ARE SUBSTANTIVELY REPRESENTED, AND THAT THOSE IN POWER ANSWER TO WOMEN.**

# OBJECTIVES OF GENDER-RESPONSIVE GOVERNANCE REFORMS IN POST-CONFLICT CONTEXTS

- 1) *Public resources are managed in a way that results in improvements in women's lives.*
- 2) *Women are able to access resources and rights that may have been denied to them under pre-conflict or conflict governance systems.*
- 3) *Women are engaged in national and local public consultations on conflict resolution and recovery.*
- 4) *Women's presence and influence are increased at all levels of elected and appointed public office.*
- 5) *Women's access to public accountability mechanisms is improved.*

community.<sup>1</sup> Conversely, failing to protect women's rights and employment opportunities can threaten sustainability of governance reforms and community stability. For example, countries with only 10% of women in the labour force are nearly 30 times more likely to experience internal conflict than are states with 40% of women in the labour force.<sup>2</sup>

In view of the considerable contributions that women make to building democratic governance and peace, this discussion paper outlines a set of considerations for women's engagement in transitional governance and public accountability for women's rights. As 'standard operating procedures' for good governance reform and programming, these considerations aim to ensure that women participate in all post-crisis governance processes, that their rights and needs are substantively represented, and that those in power answer to women.

Governance reforms in societies emerging from conflict address specific challenges. These include weak state legitimacy and authority due to persistent or lingering violence and instability; low social cohesion; a high prevalence of vulnerable, marginalized or displaced populations; and limited financial and human resources. There are also challenges in post-conflict situations related to increased corruption, destroyed service delivery infrastructure, politicization of society, and the domination of militarized factions.

International and national peacebuilding actors have recognized that social exclusion can be a major driver of conflict. Evidence and research have shown a devastating link between severe economic and social horizontal inequalities and violent conflict.<sup>3</sup> Where the underlying or deep-rooted causes of conflict include inequality and exclusion the resulting humanitarian, conflict resolution and development efforts must be inclusive and participatory. Inclusive approaches have the goal of addressing inequality and facilitating marginalized populations to realize their rights. It also increases the number of stakeholders with an investment in the system of governance, which can deepen stability. Inclusive post-conflict governance has to address gender

inequality and the gender specific impacts of conflict faced by women. Including women can also have a positive impact on addressing social exclusion as a driver of conflict.

However, in addressing the principle of inclusivity in post-conflict contexts, governance reform actors are sometimes torn between the need for pragmatism and "conflict sensitivity", and their normative commitments to inclusiveness, transparency and human rights.

**"IN CONFLICT RESOLUTION, WOMEN'S PARTICIPATION AND GENDER EXPERTISE PROVIDE A FIRM FOUNDATION FOR WOMEN'S POST CONFLICT PARTICIPATION.**

**BOTH NUMERIC AND SUBSTANTIVE REPRESENTATION ARE NEEDED. FOR THIS, SPECIAL EFFORTS AND MEASURES ARE OFTEN REQUIRED."<sup>4</sup>**

*~MICHELLE BACHELET, APRIL 2012*

The fundamental inequalities and drivers of conflict and crisis (for example regional inequalities, significant marginalized populations, skewed distribution of land ownership) must be addressed in the transitional governance arrangements, otherwise instability will continue and the political settlement will be in danger. Each of these drivers of conflict has a gender dimension, and even though women have important contributions to make in conflict resolution and governance reforms, a gender perspective is rarely a priority concern in post-conflict contexts.

This discussion paper stresses that it is never too early in a transition context to prioritize women's empowerment and gender equality. Unfortunately, the trend has been to relegate this to an afterthought. In post-conflict and post-crisis political transformations, the already-organized political interest groups are most successful at seizing power. Women's groups tend to be underfunded and are often poorly positioned to seize opportunities to influence governance arrangements. In addition, structural

inequalities and barriers prevent women's full engagement in institutions of governance. Despite the fact that during conflict women's roles in the public arena are expanded and women in communities act as effective leaders and mediators, in the post-conflict period there is often a resurgence of stereotypical attitudes about women's weak leadership skills and women are pushed out of public engagement. In addition, women's disproportionate share of the burden of ensuring the subsistence of the household in a post conflict context, including care for the elderly, children, orphans, disabled or internally displaced relatives, means that women have little time to devote to politics or to participating in reform processes.

In post-conflict contexts 30 – 40 per cent of households are female-headed.<sup>5</sup> One review of post-conflict countries found that "in Angola, Kosovo, Mozambique, and Somalia, due to the great number of men who were killed, widows now make up more than half of the population of all adult women."<sup>6</sup> Female-headed households are associated with poverty and substantial time-burdens on the female household head, limiting time for engagement in public decision-making and governance reforms.

In addition to the increased care burdens in post conflict situations, women often suffer from weak fundamental citizenship rights, which can compound their difficulties, especially for female-headed households. Women may not, for example, be able to (*de facto* or *de jure*) access family land or property from a husband that is missing or was killed during the conflict, which puts women heads of households at a significant disadvantage when seeking to rebuild livelihood security in the aftermath of conflict.

A substantive normative framework has been built over the years to recognize that women have a critical role to play in terms of participation in post-conflict governance reforms. UN Women has been engaging in these policy dialogues and their implementation in UN inter-agency fora. In addition to the relevant clauses of The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Universal Declaration on Human Rights and regional agreements such as the African Union (AU) Charter on the Rights of Women or the Southern African Development Community (SADC) Protocol on Gender and Development, the normative framework for women's participation in post-conflict governance also includes the following:

- » UN Security Council resolution 1325 (2000) affirmed women's right to participate in post conflict political processes, while resolution 1889 (2009) encouraged UN missions and member states to improve implementation;
- » The UN system's Seven-point action plan on gender-responsive peacebuilding<sup>7</sup> lays out concrete commitments for actors in the UN system towards increasing women's political participation, including the provision of technical assistance on temporary special measures (TSMs) by UN actors involved in electoral assistance in post-conflict contexts;
- » The UN system-wide Strategic Framework on Women and Peace and Security includes concrete commitments, targets and timelines for key actors on women's participation in post conflict governance.

The Secretary General's 2009 Report on Peacebuilding in the Immediate Aftermath of Conflict (A/63/881-S/009/304), and the International Dialogue on Peacebuilding and Statebuilding: New

The Secretary-General's Report on Women's Participation in Peacebuilding (A/65/866-S/2010/466) is a comprehensive and robust action plan to take forward the promises of United Nations Security Council Resolution 1325. **The Action Plan is made up of commitments which ensure that:**

1. **Women are fully engaged in, and timely gender expertise is provided to, all peace talks;**
2. **Post-conflict planning processes, including donor conferences, involve women substantively and apply methods that result in comprehensive attention to gender equality;**
3. **Adequate financing – targeted and mainstreamed – is provided to address women's specific needs, advance gender equality and promote women's empowerment. A target of 15 per cent was set in the report;**
4. **Deployed civilians possess specialized skills, including expertise in rebuilding state institutions to make them more accessible to women;**
5. **Women can participate fully in post-conflict governance, as civic actors, elected representatives and decision-makers in public institutions, including through temporary special measures such as quotas;**
6. **Rule of law initiatives encourage women's participation in seeking redress for injustices committed against them and in improving the capacity of security actors to prevent and respond to violations of women's rights; and**
7. **Economic recovery prioritizes women's engagement in employment-creation schemes, community-development programmes and the delivery of frontline services.**



Iraqi women voters stand in line, waiting to enter a polling station. Credit: UN Photo/UNHCR/Roger LeMoyné

Deal for Engagement in Fragile States<sup>8</sup> both identify five strategic priorities in post-conflict contexts. These priority areas largely overlap and other discussion papers or guidance notes in the UN Women Sourcebook on Women, Peace and Security, Peace and Security deal with the security, justice and conflict resolution

aspects. This discussion paper will focus on the core political and administrative governance priorities in post-conflict contexts that align with the highlighted priorities in Table 1 below.

**Table 1: Peacebuilding Priority Areas**

	Secretary-General's 2009 Report on Peacebuilding in the Immediate Aftermath of Conflict	International Dialogue on Peacebuilding and Statebuilding: A New Deal for Engagement in Fragile States
<b>Peacebuilding Priority Areas</b>	Safety and security	<b>Legitimate Politics</b>
	<b>Confidence in the political process</b>	Security
	<b>Access to basic services</b>	Justice
	<b>A functioning public administration</b>	Economic Foundations
	Economic revitalization	<b>Revenue and Services</b>

This discussion paper will focus on the political process, services and public administration aspects (as highlighted) of the priority areas of international post conflict governance. The discussion is broken down between political and administrative governance:

» Political Governance Processes:

- Constitutional revisions and processes
- Political systems (Executive, Legislature, Judiciary)
- Electoral systems
- Political parties

» Administrative Governance Processes:

- Decentralization / Local governance planning and budgeting
- Public administration reform
- Gender-responsive public service delivery

These topics represent the priority governance reform processes undertaken in post conflict states by national actors supported by the international community. Each of these areas faces challenges and inconsistent progress in terms of integrating gender considerations. Other governance processes in post-conflict situations, such as transitional justice, security sector reform, and disarmament, demobilization and reintegration, are addressed in dedicated guidance notes within UN Women Sourcebook on Women, Peace and Security<sup>9</sup>.

# POLITICAL GOVERNANCE PROCESSES

## Harmonizing National Constitutions with International Legal Commitments to Women's Rights

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Southern African Development Community (SADC) Protocol on Gender and Development and the African Union (AU) Charter on the Rights of Women all outline the fundamental rights of women, as well as affirmative action policies to ensure women can fulfill these rights.

These fundamental rights include political, social and economic rights but also equal civil rights for women. Civil rights can have far-reaching implications for women, for example in terms of demanding equal inheritance.

Increased participation of women can be promoted through specific clauses outlining the use of special temporary measures, such as quotas, to address the structural barriers that prevent women from competing in political processes on an equal footing with men.

Constitutional clauses can also protect women from discriminatory legal measures in key areas such as women's and men's equal access to land, property, education, health care, and work, as well as issues of family law (marriage, divorce, child custody, inheritance, marital property, etc.)

## Constitutional revisions and processes

A constitution lays out the legal framework of a country's social, political and economic structures and the relationship between individuals and the state. The constitution describes the state's authority and institutions (executive, legislative and judicial branches), the state's legal system (how laws are made, applied and enforced) and citizens' rights and responsibilities (civil, political, economic and social).

Building accountability for women's rights begins with the constitutional revision process and the design of public institutions. Not only should constitutional revisions ensure harmonization with international legal commitments on women's rights (see above text box) but they should also promote accountability mechanisms and governance reforms that address women's needs, such as gender quotas for relevant elected or appointed decision-making positions (for example in legislative elections or in the public administration).

As the founding document of a post-conflict country or the transition to a new political order, it is critical that the constitution is constructed through an inclusive process so that all parties contribute to the common vision of the country's future and the threat of a return to conflict is reduced. In this regard gender equality advocates should call for women's civil, political, social and economic rights to be enshrined in the constitution; for the principles of checks and balances to be entrenched in the political system; and for the constitutionality of temporary special measures to be underscored as tools for increasing women's representation.

*The inclusion of specific language in post-conflict constitutions that sets out the right to equal access to opportunities and benefits is critical for creating a strong foundation for legislative reform in the transition period. Gender-sensitive constitutions can be a strong tool in the post-conflict period as women's rights advocates demand gender-responsive legislation, policies, reforms and special measures to ensure that de jure rights can be implemented de facto.*

An example of good practice is building partnerships and coalitions between women's civil society and other allies with an aim towards reaching a common agreement on priorities. In Egypt in June 2011, UN Women supported grassroots organizations to hold a National Women's Convention to discuss the priorities of women in the constitutional drafting process and to adopt a Women's Charter endorsed by 3000 community-based groups from all 26 governorates and signed by over 500,000 supporters. The Charter contained a coherent message on women's demands for the new constitution.

In Zimbabwe during 2011 and 2012 women's groups came together in the "Group of 20"<sup>10</sup> to advocate for women's rights in the constitutional reform process mandated by the 2008 Global Political Agreement. The Group of 20, with support from UN Women and UNDP, has established a monitoring task force to ensure that the constitutional negotiations include women's rights and gender equality considerations. The Group of 20 engages all the key stakeholders in raising the awareness and visibility of their demands and it also plans to monitor implementation of gender equality provisions once the constitution is finalized and adopted. The Group is guided by the principle that despite differences in political affiliation or socio-economic

## WOMEN'S CHARTERS:

*Women's Charters are just one method of aggregating and articulating the needs and demands of national women's movements and gender equality advocates in the lead-up to post-conflict elections and/or transitional constitutional reviews. In cases where women's political interests do not have representation at negotiating tables, a women's charter becomes all the more important in conveying demands to the delegates and advocating for women's priorities and rights.*

*A Charter must be agreed upon by consensus through wide-ranging national grassroots consultations in order to carry legitimacy and authority as the voice of half the population. The Charter can also give women's representatives added legitimacy in calling for a seat at the negotiating table and the inclusion of the interests outlined in the document into all aspects of the transition.*

*The process of creating a Women's Charter involves preparing a draft framework through a steering committee of key national stakeholders such as gender equality academics, experts and women's grassroots civil society*

*leaders. The draft framework is then widely disseminated to grassroots women's groups for discussion prior to a facilitated national consultative workshop or convention involving a broad spectrum of national women's representatives.*

*Targeted and organized advocacy by women's NGOs through a Women's Charter has proven to be an effective way to demand the attention of constitutional drafters. There are several reasons for this. First, if the Charter is created through broad national consultations it carries legitimacy as the voice of the nation's women. Second, engaging experts and well-known advocates in the consultations helps to build credibility. Third, a comprehensive and clear list of demands provides a rallying point for women's rights advocates and amplifies the demands being made. Lastly, Women's Charters often base demands on relevant international legal commitments and thus invoke the legal responsibilities to which a government is already committed.*

status women must stand together to ensure that the constitutional revision process takes into account their needs and priorities and sets the basis for their future public engagement.

In South Sudan, a well-organized and strong women's civil society movement mobilized during 2011 to provide ongoing inputs into the constitutional review and to ensure women are part of the constitutional review committee formed in 2012.

In South Africa during the transition in the 1990s, women's groups noted that political party delegations to the constitutional negotiations were composed of only men and that the needs and priorities of women were being marginalized. In response women came together across party lines and racial divisions to create a non-partisan Women's National Coalition. The Coalition held a General Congress to discuss the adoption of a Charter that would set out women's priorities for the constitution. The coalition was not without its tensions and challenges; the drafting of the Charter took place against the backdrop of an extremely tumultuous period in South Africa. However, the Congress was ultimately successful by stressing inclusive participation and by including an introductory note that while the Charter was the product of the Coalition, individual organizations still reserved the right to recuse themselves from particular clauses (most often the clause regarding reproductive rights).

Ultimately a coherent Women's Charter emerged that proved to be a strong advocacy tool in the constitutional negotiations. South Africa subsequently adopted a constitution that has been widely applauded for the strength of its gender-specific provisions.

Annex 1 outlines the process that took place in South Africa in 1992 and in Afghanistan in 2003 when women mobilized to aggregate their demands prior to constitutional negotiations. The Annex also provides the substance of the demands. In both of these cases the process of developing a Women's Charter was successful because there was cross-partisan mobilization and common issues could be identified, regardless of which party or faction women belonged to. In a post-conflict context where women are divided by ethnic, religious or regional divisions and are unable to find common ground a Women's Charter must be preceded by confidence-building and reconciliation among women.



## KEY CONSIDERATIONS IN CONSTITUTIONAL REVIEW PROCESSES:

- 1. Gender quotas for constitutional thematic committees and constitutional assemblies are critical for ensuring women's participation and that women's priorities are substantively addressed.*
- 2. In order to ensure substantive input, a separate committee for gender equality or a technical gender advisor to the steering committee are also valuable ways to provide and review language.*
- 3. In some contexts Women's Charters can be effective advocacy tools if they are adopted through a broad-based process and credibly presented as the concerns of half the population.*
- 4. National and international partners to constitutional processes should stress that the principle of inclusive constitution-building is critical to sustainable peace and development.*
- 5. Women's demands in relation to constitutional provisions should be based within the regional context and should use relevant regional examples from both secular as well as non-secular constitutions as appropriate. Experience shows that women have had success in engaging with all types of constitutional traditions in all regional contexts.*

## POLITICAL SYSTEMS

Constitutional review processes include negotiations for determining the type of political system and oversight mechanisms. Gender equality advocates may not have sufficient information on the impact that different political systems can have on the achievement of women's empowerment. When it comes to issues such as choosing a political system (presidential vs. parliamentary, unicameral vs. bicameral legislature, federal vs. unitary state) or designing oversight and accountability mechanisms (judicial checks and balances), there are many different options and the best case for women depends on many factors such as the political context or the presence of gender equality champions. From the earliest possible moment gender equality advocates and women's civil society groups should be supported to increase their capacity and technical knowledge of political systems in order to be able to engage substantively and credibly with key interlocutors during negotiations. For example, gender equality advocates should have training on the implications of federalism on their key issues (for example childcare or health policy); or trainings on different legislative systems and identifying strategic opportunities for engagement, appropriately framing key demands and entry points for cross-party women's caucusing.

While strong presidential systems can have benefits if the President also happens to be a strong gender equality champion, highly centralized power in an executive in a post-conflict

context can also discourage political participation that is meaningful and democratic, and can lead to a concentration of power with weak oversight and institutional accountability. In addition, the competitive politics of a highly centralized presidential system that lacks adequate checks and balances can lead to zero-sum dynamics that exclude women's voices and can foster violence. If a President has constitutional power in a post-conflict setting to appoint government officials at all levels of administration and service, this can lead to tension and instability and it also often means that women are excluded from the patronage networks and bribes that facilitate those appointments.

The degree of independence of the judiciary is also a critical part of the political system. Women's access to justice in post-conflict settings depends on the capacity of the judiciary to implement the rule of law and listen to women's concerns. Some constitutions include quotas for women's representation at the highest level of the judiciary or create separate judicial organs for oversight of implementation of human rights and gender equality provisions. South Africa's constitution specifies a judicial oversight mechanism in the form of a Commission for Gender Equality,<sup>11</sup> while Sierra Leone's Human Rights Commission includes a gender equality mandate and also requires a minimum number of women among the commissioners.

## WOMEN'S WATCH GROUPS:

*Supported by UN Women, rural women in Tajikistan came together in 2011 to establish Women's Watch Groups, which monitor the situation of the most vulnerable households in local communities and identify ways to improve access to civic registration documents and social protection services. The WWGs liaise with local authorities through district level joint action committees through which they provide feedback on service delivery and suggestions for improvements.*

*The Women's Watch Groups are increasingly being recognized in several districts as important platforms for women's leadership, and have a concrete impact on communities and a wider impact through replication. In particular in some border districts, which are vulnerable to tensions and conflict, the WWGs have begun to monitor the situation*

*of marginalized stateless women who have been unable to access registration services and process citizenship claims.*

*By working with the local governments who provide services, the Women's Watch Groups today are playing a critical role in helping service providers understand the needs of rural populations and how the design of social protection services should be reformed to better meet these needs.*

*A strong and autonomous women's civil society movement is the critical factor in ensuring that governance reforms take into account women's needs and priorities. In particular this is true when it comes to creating and upholding gender responsive legislation and constitutional provisions on issues of family law.*

While the powers of the state (executive, legislative and judicial power) are interrelated, in an ideal system they will remain distinct and perform as checks and balances against one another. Engaging with the legislature is important not only in terms of increasing the number of women elected (to be discussed below in the section on electoral systems) but also in terms of building capacity and raising awareness of the importance of gender equality among both men and women parliamentarians. Statutory and legislative frameworks can be essential instruments for promoting gender equality and women's rights.

In federal systems it is important that women advocate for strong overarching constitutional guarantees on women's rights and access to opportunities that are binding on all federal components. In the absence of such guarantees there is the potential for variations in policy towards women's rights and gender equality in different regions or on issues of key importance to women (healthcare, childcare and basic services). In post-conflict contexts where divisions are entrenched women

must develop strategies and identify opportunities to work together across ethnic or regional divides and create a united national women's movement that will act as a constituency at the national level for gender equality.

The implications of federalism on revenue and services are also of key importance to women. Federalism will divide taxation powers and revenue allocation between central and regional governments. Women leaders from politics and civil society should be able to monitor how revenue is allocated and whether it is spent on women's needs (one aspect of gender responsive budgeting). It is also critical for women's civil society to monitor investment and revenue collection patterns to establish whether they reinforce existing patterns of exclusion and grievances and whether conditional transfers of funds from the central to the regional authorities are tied to spending on women's priorities or performance indicators that include women's needs (gendered beneficiary analysis).

## KEY CONSIDERATIONS FOR POLITICAL SYSTEMS

- 1. Gender equality advocates should call for a political system that balances power. Women's participation and representation is more likely to be successful in situations where an autonomous women's civil society has mobilized and has identified strategic partners among the parties to conflict and demands inclusion in political institutions both as their right but also as key agents of building sustainable peace and stability.*
- 2. Judicial oversight mechanisms are critical to creating accountability for the implementation of gender equality and women's empowerment in the post-conflict period and should include specification of women's representation as judicial commissioners, and clear sanctions for failing to deliver on women's human rights commitments*

# ELECTORAL SYSTEMS

Certain types of electoral systems clearly lead to better outcomes for women; for example political parties are more likely to diversify their lists in proportional representation systems in order to attract more voters, while in single member plurality systems men with stronger patronage networks and access to financing tend to win nominations in the most “winnable” districts (districts where the party is already incumbent or there is a strong base of support). In addition, a considerable constraint that applies in all elections is voter bias against female candidates. This bias is most pronounced when voters have to express a single candidate preference and it explains the low representation of women in single member plurality systems. The type of electoral system a country chooses also has significant impacts on party structure, the nature of representation, the costs of campaigning and the issue of security for candidates.

In post-conflict contexts women’s participation in elections encounters the same challenges discussed above; traditional gender roles tend to be strengthened in the immediate aftermath of conflict as well as during times of fragility or transition and women’s political participation may be seen as a secondary priority, particularly if it is mistakenly perceived as “in tension” with security and stability concerns.

Globally, there have been major advances in women’s political participation, including an increase in the number of women elected to local and national governments worldwide. Between 1995 and 2011 the proportion of women in national parliaments increased from 11.6 per cent to 20.1 per cent, compared to less than a one per cent increase in the two decades prior. Post-conflict countries show a wide range of women’s participation in parliament. The key factors influencing the outcome in these contexts appear to be the use of temporary special measures and the type of electoral system.

Countries use different electoral systems for different levels of government from local to national. These systems are traditionally classified according to three main groups: single member plurality, proportional representation and mixed systems. These groups can be further classified according to the formula applied to determine the winner, the ballot structure used, and the magnitude of the electoral districts (how many seats are being elected per district). Further information on the specifics of electoral systems are outside the scope of this paper and can be found in a forthcoming UN Women Guidance Note on Electoral Systems and Temporary Special Measures (2012).

New research has suggested that post-conflict countries that have adopted closed list PR systems with quotas for

## Electoral Systems:

**First Past the Post:** The simplest form of plurality/majority electoral system. The winning candidate is the one who gains more votes than anyone else, even if this is not an absolute majority. The system uses single member districts and voters select a candidate rather than a political party.

**List Proportional Representation (List PR):** This system requires the use of districts in which more than one candidate is elected. Each party presents a list of candidates, voters choose a list, and then parties receive seats in proportion to their overall share of the vote. In “closed” list systems the winning candidates are taken from the list in order. However if lists are “open”, voters can influence the order of candidates by highlighting their preference.

## Two most Common Types of Electoral Quotas

**List quotas:** Binding requirements for political parties to include a certain percentage of women on their lists. This does not guarantee that women will be elected.

**Reserved seats:** A certain number of seats are reserved only for women candidates. This ensures a certain number of women will be in parliament.

under-represented groups have experienced more stability.<sup>12</sup> A recent study comparing Nepal, Bosnia, and Lebanon found that embedding quotas into a List PR system has the best outcome in terms of increasing peace and stability and minimizing over time the primacy of ethnic differences. The same study concluded that gender quotas in post-conflict contexts serve to ensure that groups that are otherwise excluded are included in parliament and found preliminary evidence that inclusive politics has an important conflict prevention effect.<sup>13</sup>

*Post-conflict constitutional and transitional negotiations present an important entry point for the introduction of electoral gender quotas. It is a moment in time when constitutional and legislative reforms are ongoing and the political and other costs of accepting new measures can be lower as there is a weak status quo.* For this reason some of the highest numbers of women in parliament are in fact in countries where gender equality advocates negotiated effective electoral quota legislation in the post-conflict settlement, such as Rwanda, which has the highest percentage of women in a lower house of parliament

in the world (56 per cent) and Burundi, which as the highest percentage of women in an upper house of parliament (46 per cent).

Women's results tend to be the highest in electoral systems that combine closed list proportional representation with an electoral gender quota that requires alternation of men's and women's names on the list (vertical alternation), as well as alternation of the gender of the head of the list in systems where parties must field multiple lists (horizontal alternation). In theory this type of system would result in gender parity in representation. However, even in other types of electoral systems it is possible to ensure positive outcomes for women in combination with list quotas or reserved seats. Each of these options has both positive and negative factors depending on the context. For an in-depth discussion of electoral systems and corresponding quota types and advocacy points please consult UN Women's forthcoming Guidance Note on Electoral Systems and Temporary Special Measures (2012).

UN Women supports governments and civil society groups to assess the value of different types of TSMs, hold national consultations with women's groups on TSMs and design appropriate measures for specific contexts. *In 2011, post-conflict countries that had elections and that do not have an electoral gender quota averaged only seven per cent women in parliament (for example Democratic Republic of Congo, Cote d'Ivoire, Haiti, Liberia, Central African Republic). Post-conflict countries with a quota (for example Rwanda, South Sudan, East Timor) have an average of 30 per cent women in parliament.* An analysis of recent elections in 26 post-conflict countries (Figure 1) indicates, as would be expected, that *women's political representation leaps upwards once gender quotas are used. It also shows, remarkably, that in countries with quotas women tend to build on their electoral successes over time, gradually achieving then exceeding quota levels in successive elections, while in post-conflict countries without quotas women's participation has not increased over time. Indeed, in elections in 2011 there was a worrying stagnation or downward dip in many post-conflict elections where quotas were not adopted.*

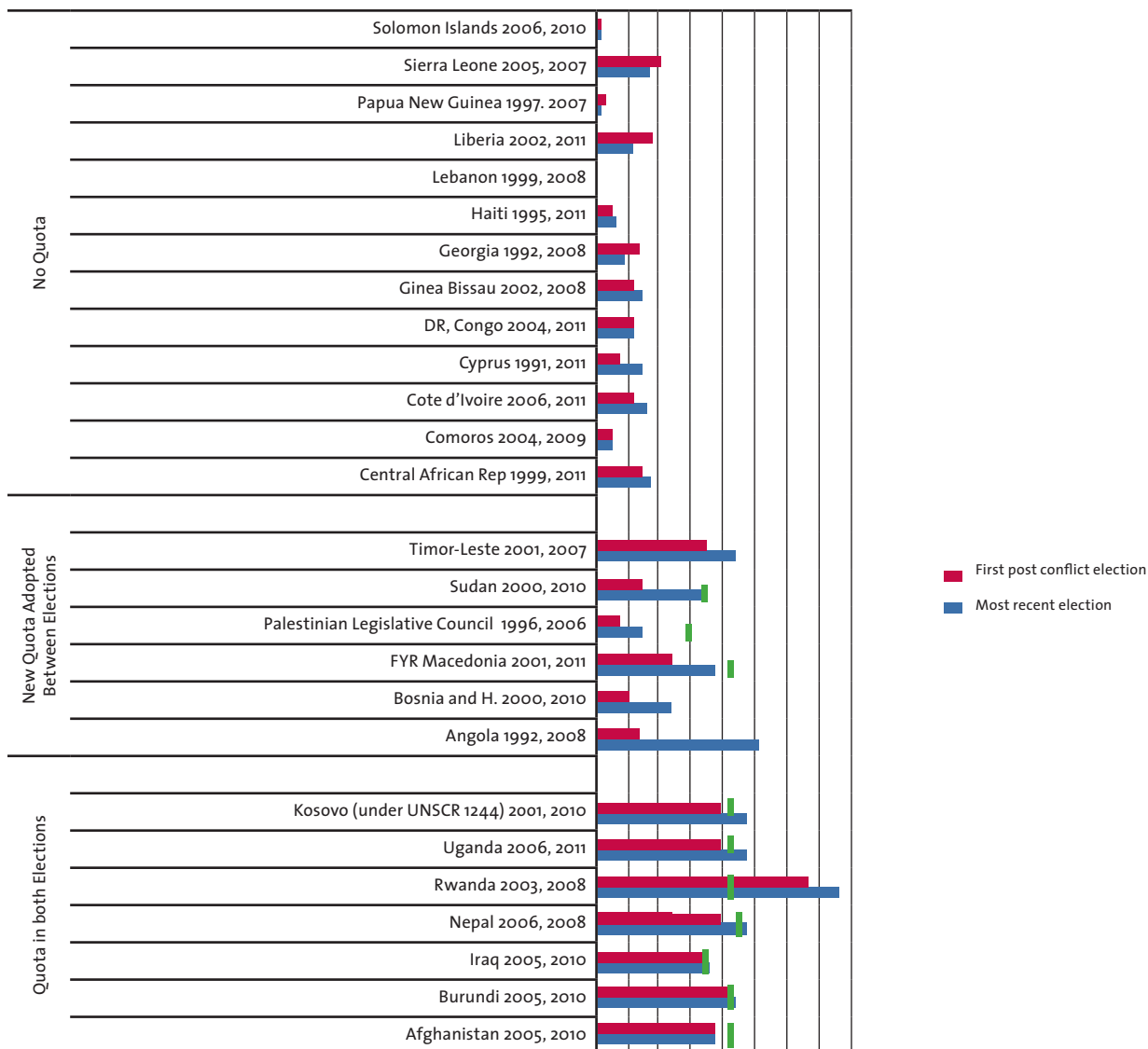
Beyond the electoral system and the implementation of temporary special measures (such as electoral gender quotas, waivers of nomination fees, access to public media, access to public

resources, and sanctions on non-complying political parties), other important aspects of electoral management in post-conflict contexts include voter and civic registration, candidate support and election administration and observation. In post-conflict contexts, voter registration is often a first crucial step as basic census records may be missing or destroyed. If women are not included in this first step of preparing for post-conflict elections they will be unable to adequately participate in all subsequent processes. So ensuring women are targeted in voter registration outreach is critical.

Engagement with electoral management bodies to address registration access problems experienced by women voters, candidates and activists has been helpful in many contexts. For example, in 2010 UN Women supported the Southern Sudan Referendum Commission to establish a gender unit with nine gender advisers to ensure that the work of the commission on voter registration and education reached both women and men. In addition, UN Women supported the electoral commission to roll out a cascading system of training of voter registration mentors throughout the country. To overcome rates of illiteracy as high as 90 per cent, UN Women engaged 24 civil society groups to go door to door across the country's ten states, sensitizing voters on women's rights and priorities, and encouraging women to cast their ballot. Eventually, 40,000 individuals were involved in mobilizing women's registration and ensured that women were 51 per cent of registered voters and that they turned out to vote in record numbers.

In 2010 and 2011 in Cote d'Ivoire, UN Women supported women's participation in the electoral process by working with partners to establish a network of 57 experts to train women candidates in leadership skills and effective campaigning techniques. In addition, 297 individuals were trained as voter registration mentors to sensitize women on their right to vote and help them obtain ID cards for enrolment on electoral lists. The network trained 128 potential women candidates and 100 women from NGOs to act as observers. As a result, women (50.76 per cent) were registered in equal numbers to men (49.24 per cent). UN Women also extended its support to train 24 women candidates in political leadership skills and media campaigns, 15 of whom were successfully elected.

Figure 1: Per cent Women Elected in First Post Conflict Election and Most Recent Election<sup>14</sup>



Women’s equal engagement as election administration officials has proven to be important in post-conflict elections as a confidence-building measure, particularly where there are concerns about low rates of female electoral engagement. Ensuring women’s participation as election commissioners not only includes women in election decision-making, but it also sends important signals about the importance of women’s participation in public spaces. At the grassroots level, it is equally important that women be active as polling officials and that security for polling staff and stations is ensured. In the 2010 elections in Afghanistan, women voters reported unease in entering a polling station staffed only by men.

Advocacy points for gender-responsive institutional design of electoral legal frameworks includes independence of the

electoral management body (EMB), gender parity in the membership of electoral commissions and all electoral staff, and a dispute resolution mechanism that is easily accessible to women. In contexts where dispute resolution is costly or complicated it is difficult for women and vulnerable candidates to bring attention to violations. In the aftermath of the 2011 elections in Nigeria, UN Women partnered with a network of women lawyers to support women candidates to bring complaints before the EMB and ask for election violations to be addressed.

In many cases, women’s full political liberty is constrained not only by cultural norms prohibiting public interaction with men, but also by family voting pressures. For example in Libya in 2012, women’s organizations requested sex-segregated polling stations. The reason was not just to avoid intimidation, but also



Women in Juba, Sudan, vote in their country's national elections, the first to take place in almost 25 years. Originally set for 11 to 13 April, the date to vote has been extended by an additional two days. Credit: UN Photo/Tim McKulka

to counteract pressure to follow family voting patterns. Ensuring that national, regional and international election observers understand that family voting is illegal and can recognize and document it should be a critical part of election observer training. Observers should also have checklists to understand possible gender gaps in election processes. OSCE has prepared a comprehensive Handbook for Monitoring Women's Participation in elections with a checklist for its election observers.<sup>15</sup> The checklist can be easily adapted for different contexts.

## THE FREQUENCY OF ELECTORAL VIOLENCE TARGETING WOMEN IS NOT NEW; HOWEVER IT HAS BEEN LONG HIDDEN, WITH VICTIMS FACING PRESSURE TO NOT MAKE REPORTS IN ORDER TO AVOID STIGMAS ATTACHED TO THESE CRIMES.

Another obstacle to women's political participation in post-conflict contexts that has gained increasing visibility is the impact of the outbreak and the aftermath of electoral violence that occurs during campaigns, polling and announcement of results. The issue of electoral violence against women has gained prominence due to several highly publicized occurrences. The frequency of electoral violence targeting women is not new; however it has been long hidden, with victims facing pressure to not make reports in order to avoid stigmas attached to these crimes. In 2009 in the Republic of Guinea, women taking part in a political rally in the national stadium were targeted by security forces. Over 109 women were raped. In addition, many women and men were killed during the brutal crackdown by

security forces on this opposition rally. According to the report of the UN Commission of Inquiry established to investigate the violence, women victims reported being told by their assailants – soldiers in the presidential guard - that they were being targeted because they opposed the incumbent junta leader. In other reports women claimed they were told they were immoral for participating in the political rally. One of the key reasons that the Commission successfully highlighted the violence suffered by women in this chain of events was that UN Women seconded a gender expert to the Commission of Inquiry. This gender expert supported women witnesses and survivors to testify and ensured that the findings of the Commission included recommendations for addressing impunity for these crimes.

In Afghanistan in 2010 women comprised less than a quarter of all candidates and generally ran more security-conscious campaigns than their male counterparts. Yet six of the 11 campaign workers killed during that campaign season worked for women's campaigns and nine out of 10 threats against candidates were against women.<sup>16</sup> The government recognized the increased security threats to women candidates and created a fund to cover their extra security costs.

*Not only candidates and campaigners are at risk. Research by the International Foundation for Electoral Systems shows that female voters are four times as likely to be targeted for intimidation than male voters in transition countries, and that they are attacked verbally and physically more often during voter registration or other civic activities taking place in public spaces.*<sup>17</sup> In 2012, a female blogger promoting political reform was stabbed in a Middle East country. Her fellow political activists claimed the political motives for her attack were covered up as a crime of honour – an excuse that could not be used if the attack were against a male political activist.<sup>18</sup>

An example of how to prevent and respond to electoral violence was implemented in 2012 when a 'Women's Situation Room for Peaceful Elections' was established in Senegal. The 'Situation Room' aimed to prevent election-related abuses during the first and second rounds of the presidential elections. The women leaders referred cases of violations to relevant authorities for action and also trained and deployed 50 women leaders from Senegal and neighboring countries to act as observers at polling stations, ensure the active participation of women, and monitor the security situation. The 'Women's Situation Room' was spearheaded by Femmes Africa Solidarité in partnership with the Angie Brooks International Centre of Liberia and with financial and technical support from UN Women and UNDP.

The Department of Peacekeeping Operations (DPKO) and the Department of Political Affairs (DPA) have developed a guidance

note on women's participation in post-conflict elections that provides an outline of the necessary steps UN missions can take to integrate a gender perspective into their election planning and programming.<sup>19</sup> The guidelines provide an outline of interventions that facilitate women's participation and action points for UN electoral assistance. These include highlighting gender differences in election processes, identifying obstacles at different stages of election programming, conducting voter education and candidate training for women, and advocating for women to hold positions at all levels of EMBs, from commissioners to polling station staff. The areas covered by these useful guidelines include:

1. The legal framework
2. Electoral management bodies
3. Women's political participation as candidates
4. Voter registration
5. Civic and voter education
6. The electoral campaign
7. The challenges and complaints process
8. Polling, counting and monitoring/observation

UN Women's Guidance Note on Gender and Electoral Assistance (2012) outlines the normative and institutional framework on gender and electoral assistance, programming interventions and the electoral cycle approach from a gender perspective.

## POLITICAL PARTIES

Political parties can play important roles in post-conflict negotiations, and experience shows that political party elites are crucial gatekeepers – and often obstacles – for women aspiring to participate in politics. Political parties in post-conflict periods often have informal and non-rule-based structures or decision-making systems, with personality-based executive structures. An individual's prospects as a party's candidate for office may depend less on performance as a leader than on engagement in patronage networks, capacity to generate funds for campaigns and informal payments or bribes to party leaders for the opportunity to run for a particular constituency.<sup>20</sup> All of these conditions represent specific obstacles for women. They can also undermine women's capacities to act as gender equality advocates once they enter the party.

Mobilizing women within party structures to demand more transparent party rules for candidate selection, policy-making and accountability can be a difficult yet effective method to increase women's participation. For example, the African National Congress (ANC) in South Africa responded to women's

mobilization and demands for equality by adopting an internal party quota during the transition in the early 1990s. Although the ANC did not adopt a quota in its executive body, the quota for candidates led to a large proportion of women in the first parliament (25 per cent) because the ANC (which put forward more women candidates than all other parties) dominated the elections and won 63 per cent of the popular vote.

Mobilizing women within parties to speak together on gender equality issues is critical, and establishing a women's wing within the party is one method of aggregating demands. However, a women's wing must not be used as a forum to rubber-stamp decisions by male party leadership, but rather a forum for developing the capacity of women leaders and formulating gender equality policy demands. Demands can include quotas for leadership/party management structures and delegates to party conventions, as well as the development of gender-responsive policy-making processes and party platforms.

## KEY CONSIDERATIONS FOR ELECTORAL SYSTEMS AND POLITICAL PARTIES:

1. *Women civil society leaders and politicians should be supported to mobilize and advocate for TSMs as a tool to increase women's participation at both local and national levels of representation. Different formulations of TSMs can be designed for every type of context and electoral system. Legislated TSMs are currently in use in almost 30 countries worldwide, including in many post-conflict countries.*
2. *During the formulation of the post-conflict electoral legislative framework, women candidates should advocate for mixed or proportional representation systems as opposed to simple "first past the post" systems, as women are proven to fare better in the first type of system.*
3. *Women members of political parties should mobilize to demand internal quotas and gender responsive bylaws and structures as a critical step towards increasing the number of women in representation and the substance of the political discourse.*



Residents of Forog, North Darfur protest a serious shortage of water. Credit: UN Photo/Albert González Farran

## ADMINISTRATIVE GOVERNANCE

### Decentralization / Local Governance Planning and Budgeting

Decentralization's impact on women's rights can vary widely depending on the context and the extent to which decision-making and accountability are devolved to the local level. Decentralization refers to the process of transferring administrative, political, and financial functions from the central level to subnational government. With the decentralization of public finance mechanisms, in theory more and more decisions about how to spend public money should be taken at the local level. However, in many post-conflict contexts while functions may be increasingly decentralized, decision-making power about how resources are spent may remain limited in practice by strong actors at the central level. In order to achieve gender-responsive

local governance it is necessary for women to have the same opportunities to express their needs and priorities at this level, and that these are ultimately reflected in local plans and budgets. While the obstacles facing women's political representation have been raised in the section on electoral systems, it is important to recognize that at the local level women as citizens also have limited voice in making demands and ensuring that their priorities are integrated in local plans and budgets.

Inclusion of women into the decentralization process and in local governance structures is crucial for sub-national authorities to be able to respond to the recovery and peacebuilding priorities of the population in an equal and inclusive manner. The starting point for UN engagement in conflict-affected settings is the informed and timely support to the restoration of core government functions

*The Gender Equitable Local Development (GELD) programme, a joint initiative between UNCDF, UN Women and UNDP, supports local governments in five countries (Mozambique, Rwanda, Senegal, Sierra Leone, and Tanzania) to identify strategies and mechanisms for improving women's access to resources and services at the local level through gender-sensitive planning, programming and budgeting.*

*The GELD programme utilizes three complimentary strategies to achieve its objectives: (1) capacity development for local governments in gender-responsive planning, programming and budgeting; (2) mobilization of women to voice their needs and priorities in local level planning and budgeting processes; and (3) investment in Local Development Funds to address women's priorities. The GELD approach is innovative in linking gender-responsive planning and budgeting with catalytic funding to support women's local development priorities, with a particular focus on key services, such as access to potable water.*



and a gender-responsive capacity to plan for the early recovery and peace-building process and to rebuild essential services. Restoring and re-establishing core state functions are the first step in the process of regenerating the state's capacity to mediate citizen-state relations and redress grievances.

*Federalism may have implications on women's representation in local political structures. On the one hand, local politics may provide more space for women's political participation as there may be more direct opportunities for engagement in areas such as health, childcare, education, water, agriculture, urban planning and community development. However, in transition contexts where traditional values often reassert themselves in the immediate aftermath of conflict and local "warlords" may have more power than the central authority, there can be a pushback against women's political participation. In addition, women face a significant barrier in the form of "time poverty".*

In most societies, traditional family roles require women generally to fulfill all or nearly all household and childcare responsibilities. For women who also work outside of the home, there can be little time left to be involved in local government activities.

However the impact of women's visibility and political participation in local governance must not be underestimated. In a survey of roughly 8,000 girls and their parents in India in 2007, research found that the increased presence and visibility of female politicians in local government (due to a 33% reserved seat quota) raised the academic performance and career aspirations of young women. In villages that had never had female political leaders, researchers found parents were 45 per cent less likely to expect their daughters to continue beyond secondary school. The girls themselves were 32 per cent less likely to have those aspirations.<sup>21</sup> This is an excellent example of the 'role model effect' of women in public spaces.

In designing the decentralization process, gender equality advocates should push for a participatory and inclusive framework that includes quotas for women's representation; a structured dialogue mechanism between local authorities and women's groups (see text box on Women's Watch Groups), to ensure that decisions and

interactions at the local level are gender-responsive; and a citizen oversight committee that includes women's groups and functions as a monitoring mechanism of the quality of service delivery or other responsibilities under the purview of local authorities. The presence of community-based women's organizations is a critical factor in promoting gender responsive local governance. Financing the capacity-building of women's CSOs should be included as a priority in decentralization timelines and planning documents.

In Timor Leste, women's civil society and international actors partnered to advocate for a strong gender equality component to be included in the decentralization process. They were successful and the 2009 community leadership law mandated that three out of seven village leaders must be women and the 2010 ministerial directive on local development mandated that women should have 50% representation in each sub-district Assembly. The next step will be ensuring that this numeric representation is achieved and leads to substantive representation of women's needs and priorities in the local planning and financing processes. In Nepal, even though a law passed in the post-conflict period mandates local-level basic service committees to include women members, the women themselves still feel reluctant to speak up unless they are discussing issues in women-only meetings.<sup>22</sup>

An additional concern in decentralization processes is related to service delivery. Transferring responsibility for service provision to sub-national actors can be fraught with peril if there is a lack of human and financial capacity to deliver. If the local authority is unable to deliver, it may choose to privatize service provision, which can lead to user fee schemes. This is of concern because pricing systems and user fees are likely to reduce access of marginalized citizens, including poor women. One way to address this concern is to advocate that transfers from central government be linked to service delivery indicators based on poverty and gender equity to ensure spending that benefits women and other disadvantaged or minority groups. In Sudan, research by the International Development Research Center (IDRC) in 2007 found that, in practice, decentralization meant that regions had to find their own resources for service provision; the effect was that those who could not afford user fees simply could not access services.

## KEY CONSIDERATIONS FOR DECENTRALIZATION AND LOCAL GOVERNANCE:

1. *Decentralization and local governance can provide both opportunities as well as costs for women's rights. Major stakeholders working in this area (for example national governments, UNDP, the World Bank) should ensure that they incorporate into their programming an understanding of the impact on women and that women's needs and priorities are addressed at all stages.*
2. *Gender equality advocates, women's civil society and women politicians should support the institutionalization of gender-responsive/participatory planning and budgeting in regulations and guidelines for local governments.*
3. *Build the capacity of local institutions to integrate gender equality into the analysis, design, implementation, monitoring, and evaluation of all local development policies, programmes and projects.*



## PUBLIC ADMINISTRATION REFORM

Public administration reform is a critical part of the statebuilding process in post-conflict contexts. It is also a process that can be fraught with tension if the actors emerging from conflict use positions in the civil service for patronage purposes, such as assigning public sector jobs to friends and family rather than on the basis of merit. In many post-conflict contexts senior civil servants in the executive branch or in informal networks across the public administration hold considerable influence and decision-making power.

The public administration fulfills two important functions – first, it is the interface between citizens and the state and thus plays a key role in fostering state legitimacy, and second, it implements the government’s policies and thus shapes people’s experiences and perceptions of public authority. *As the interface between citizens and states, if the policies being implemented are not responsive to women’s and girls’ specific needs, their access to state services can be negatively affected and women can be made to feel like second class citizens. Gender-responsive public administration reform must attend to ensuring equal recruitment of women to the civil service and also effective public policy-making and implementation from a gender equality perspective.*

Major concerns in post-conflict public administration reform include addressing patterns of excluding certain groups from the civil service, which may in the past have generated significant tensions and increased instability. Another common public administration reform process is ‘downsizing’: in attempts to balance payroll budgets in the immediate aftermath of conflict, the size of the civil service is cut significantly. The unemployment that this creates can however in turn generate tension

and instability given the significant importance of public sector employment in many post-conflict economies.

When it comes both to redressing patterns of exclusion in civil service employment and rationalizing and trimming the size of the public administration, gender equality concerns have rarely been a priority in the past. However, increasing the number of women in the public administration is important for both equity and efficiency reasons. In post-conflict contexts women often have elevated burdens of care, particularly if they are female heads of households, and need the income and security of public administration employment as much as men. In addition, as the next section shows, the employment of women in the public service, particularly in the direct provision of basic essential livelihood and human capacity development services, has a demonstrable impact on the effective targeting of women and girl clients – who are often the most destitute in a post-conflict context.

*However, there are significant barriers to women’s employment in public administration in the post-conflict period. For example in situations where recruitment is not regularized or undertaken transparently based on merit, women may not*

Women frontline service providers, in this case a community health worker in Haiti, can improve access for women as well as quality of service.

*have access to the patronage networks and channels through which this employment is secured. Even in cases where merit drives recruitment policies, the structural inequalities women face make it harder for them to be successful; for example girls' unequal access to formal education in sub-Saharan Africa makes them less attractive as prospective employees.*

In these cases it is sometimes necessary to adopt temporary special measures to increase the proportion of women in the public service, to invest in girls' secondary education to enable them to qualify for entry-level positions in the civil service, or to reduce entry requirements for young women. The Secretary-General's Seven Point Action Plan mentioned earlier also includes a focus on post-conflict public administration reform and calls for a full consideration of measures, including quotas and fast-tracking promotion schemes to increase the proportion of women in state institutions at all levels, and capacity-building to improve their effectiveness.

While many post-conflict states nominally recognize the importance of gender equality, few reform programmes up to now have included serious efforts to increase the recruitment of women in senior positions, either through training for women, workplace rules that are 'family friendly', or gender sensitization of managers to prevent sexual harassment.

When it comes to retention and promotion of women in the public administration, women may have anxiety that civil service managers will often retrench women staff first because they are not perceived as the major breadwinners and because male civil

servants may have stronger social ties with their managers, who are usually also men.<sup>23</sup> On the other hand, if the peacebuilding settlement is driven by a spirit of inclusiveness to make up for past causes of conflict, group-specific patterns of exclusion may be avoided. For instance in South Africa in the 1990s, the focus was on inclusive public administration reform during the transition. Thus, the new government protected the tenure of white public servants from the previous regime but also instituted affirmative action policies for new hires.<sup>24</sup> Such affirmative action measures can be used not just, as in the South African case, to redress past race-based inequalities, but also to promote new gender-equality-based public administrations.

In Liberia, UN Women has worked closely with the Liberian National Police to make human resources policies increasingly gender-responsive. Recruitment, retention and promotion policies all take into account the different barriers women may face. However, increasing the number of women at entry levels is not enough, and they must also have access to the same capacity development and networking opportunities as men in public administration. UN Women supports national public administration reform programmes in Burundi and Iraq to mainstream gender in their planning and attempt to ensure that women have access to training and learning opportunities. In addition, UN Women works in post-conflict countries to promote changes to organizational culture in the public administration through networks of gender focal points in line ministries and key public institutions. In Burundi in 2012, UN Women supported efforts to mainstream gender into the public administration reform action

## PUBLIC ADMINISTRATION REFORM IN KOSOVO (UNDER UN SC RESOLUTION 1244)

*In 2004, former UNIFEM (now part of UN Women) entered into a partnership with the Prime Minister's Advisory Office for Good Governance (AOGG) (under the Provisional Institutions of Self Government -PISG) and the Kosovo Institute for Public Administration (KIPA) (KIPA is the in-service training institute attached to the Ministry of Public Services that is charged with conducting mandatory training for all Kosovo civil servants). The goal of the partnership with AOGG and KIPA was to increase the public administration's capacity to integrate a gender perspective in its planning and delivery, but also to increase gender equality within the public administration itself.*

*In the first phase of the training the methodology of gender analysis was covered, with a special emphasis on the collection and analysis of sex-disaggregated data, models for formulating gender-sensitive public policies, and budgetary planning. In 2004 and 2005 more than 200 civil servants from different Ministries and levels of government were trained in four-day sessions.*

*The second phase was a Training of Trainers programme with the aim of creating a pool of experts to be utilized by KIPA in their internal training processes, but also available to other self-government institutions and associations. The participants represented a range of government institutions from central and local levels, as well as civil society. The training included the methodology of gender training; understanding how to gender mainstream the work of the public administration, how to do a gender analysis of social problems and design strategies to address them. With the completion of this training*

*of trainers programme, KIPA was equipped with the human and material resources to conduct gender equality trainings for civil servants on a sustainable basis. The trainings were institutionalized as part of the standard curricula for training of civil servants.*

*In the third phase, UNIFEM (now UN Women) and KIPA established a mentoring programme using a smaller pool of trainers. UNIFEM (now UN Women) supported two senior co-trainers to mentor and coach the KIPA gender trainers. As a result, the KIPA trainers quickly became effective trainers in their own right, requiring minimal assistance from senior gender experts.*

*The training gave civil servants across all sectors of government the capacity to conduct a gender analysis of their daily work. Advanced trainings were also held for senior management on integrating gender in strategic planning processes. These trainings reviewed mechanisms for including a gender perspective in policies, programmes, and strategies at different levels and at different stages of policymaking.*

*The positive impact of the training and new curricula became clear during the planning process of the new national development strategy carried out by civil servants. Provisions of the Kosovo Plan for Gender Equality were integrated into the 2006-2013 Kosovo Development Strategy and Plan, which was a critical first step toward accountability for gender equality.*

*The successful relationship with KIPA was replicated by UNIFEM (now UN Women) through a subsequent agreement with the Kosovo Academy for Public Safety, Education and Development (KAPSED) to provide technical assistance in integrating a gender perspective into KAPSED's training curriculum for the Kosovo Police and harmonize KAPSED policies with the Gender Equality Law.*

-Information supplied by UN Women Pristina Project Office, May 2012

plan and supported the government to develop a gender strategy for its public administration reform.

A core function of the public administration is the management of public service provision and public finances. ***UN Women has worked with local and national governments and partners in GRB trainings to ensure that budgets are produced through formal and transparent processes linked to policies and priorities on gender equality and women's empowerment.***

***Women's civil society groups should be supported to access information on budgetary decisions and to act as watch dogs and monitor whether their priorities are being addressed.***

***The national statistics office is a key organ of the public administration in terms of playing a data-gathering role and producing statistics on issues of concern to women and disaggregating all statistics by sex in order to identify and understand gender gaps.***

# GENDER-RESPONSIVE PUBLIC SERVICE DELIVERY

Effective and inclusive service delivery can play a conflict-mitigating role by reducing tension and grievances over key basic services between parties to a conflict. Indeed, the resumption and improvement of basic public service delivery is considered a crucial peace dividend, signaling an inclusive new system of governance and stability. Pressing basic needs in post-conflict and humanitarian contexts include security, water and access to food and health services. However, education, employment/livelihood and registration services are equally important to building sustainable peace.

*In the post-conflict environment women struggle with specific barriers to accessing public services, including the threat of sexual and gender-based violence in insecure environments, difficulties with transport, finances and childcare and continued marginalization from decision-making processes. Rural women in particular face significant obstacles in accessing public services such as water and health care. Building accountability to local women in the planning and delivery of services in fragile and post-conflict contexts is thus clearly a major contribution to women's improved social, political and economic outcomes.* Women's participation and voice in the design process and decision-making stages of public services can be secured through consulting local women and women's civil society, but also by ensuring the employment of women in the service delivery chain.

Women's engagement in decision-making in public administration is critical for gender-responsive policy design and financial allocation to public services that respond to the needs of women and children. But as with women in politics, the numbers of women in decision-making is only one part of the story of change. Just as important, if not more, is the transformation of policy implementation,

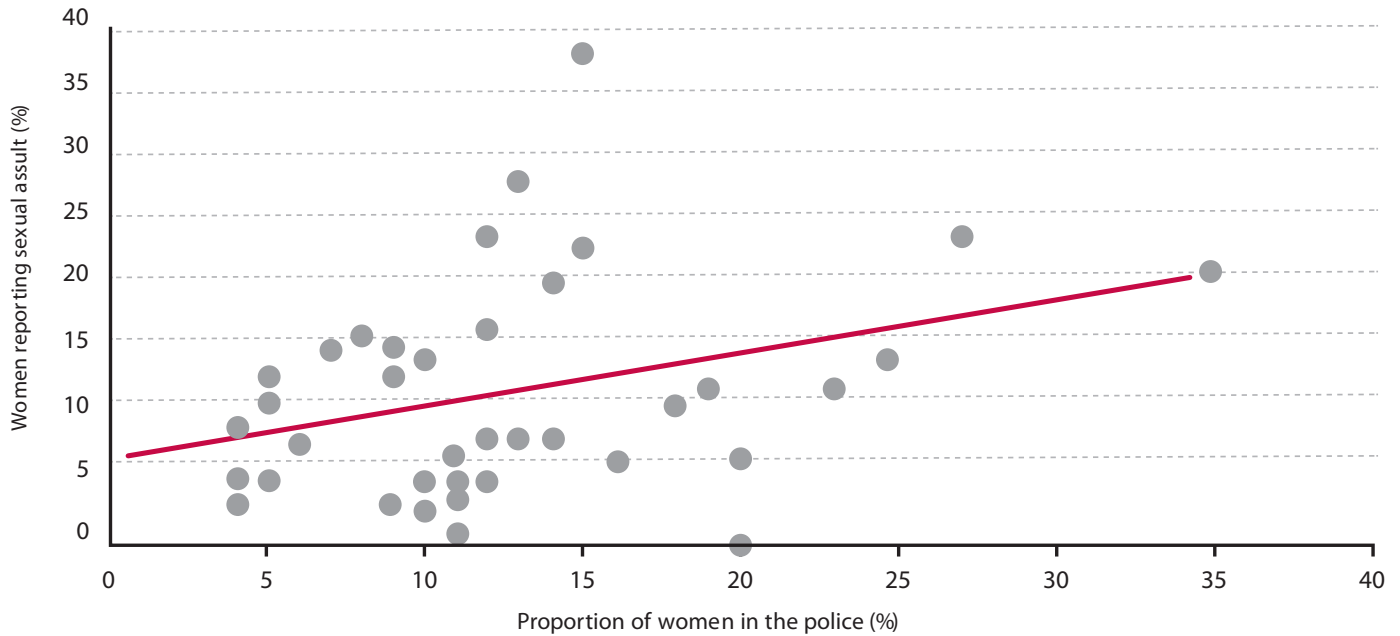
monitoring, performance assessment and accountability systems. Without creating feedback and dialogue mechanisms to ensure that service delivery institutions respect and respond to the voices of women service users, transformative change will not happen.

*The engagement of women in the frontline of service delivery has been proven to be another critical factor in ensuring the voices of women service-users reach decision makers and that quality services reach women. Evidence shows that women in the frontline of service delivery whether as polling agents, police officers, registration officials, judges, court clerks, teachers, medical attendants, or agricultural extension agents deliver better quality services to both men and women, improve women's access to services and act as important role models for women's public engagement and the feminization of public spaces. In addition, the equitable distribution of employment in public services is critical to improving the wellbeing of the large number of households that are female-headed and impoverished in post-conflict.* The UN has committed through the Seven-Point Action Plan to ensure that at least 40 per cent of beneficiaries in temporary employment

## KEY CONSIDERATIONS FOR POST-CONFLICT PUBLIC ADMINISTRATION:

1. *In order to prevent tension and instability post-conflict public administration reform should be inclusive and transparent. Promoting women's recruitment to public administration requires an understanding of the obstacles they face to employment (lack of education, cultural norms, etc.) and possible solutions.*
2. *The public administration should be supported to introduce gender sensitive recruitment, retention and promotion policies, including affirmative action and fast track promotions.*
3. *Women should be supported to form networks of public administration officials and create mentorship and learning opportunities.*
4. *Women should be supported to access capacity development and educational opportunities.*

Figure 2: Women in the Police and the Reporting of Sexual Assault.



UN Women, 2011, *Progress of the World's Women: In Pursuit of Justice*, New York, p 59.

programmes are women and that women as frontline service providers are promoted and supported.<sup>25</sup>

There is a strong relationship between the number of women police officers and reporting of sexual violence. Evidence shows that women police officers are better able to gain the trust of the communities they patrol, which is critical to effective community policing. Increased numbers of women in police forces is correlated with an increase in reporting of sexual violence by both women and men. Similar citizen reactions are associated with women's presence in other areas of the public service. As mentioned above, evidence from the Afghan elections in 2010 showed that a lack of female polling officials led women voters to feel uncomfortable and they chose not to vote if polling stations were staffed exclusively by men. In Morocco UN Women has supported the Ministry of Justice to deploy women judicial social assistants to local family courts in order to facilitate women's access to courts. The deployment had the additional effect of increasing the understanding of male colleagues of the obstacles women face to service access. In the field of agriculture, using women agricultural extension workers seems to improve extension uptake for both female and male farmers.<sup>26</sup> UN Women's support of female agricultural extension agents in Rwanda shows that in some cases the yield of women farmers increased as much as threefold once they had improved access to services, so increasing women agents could potentially have a huge impact on the difficulties that post-conflict countries have in achieving food security.

In 2011 in post-revolution Egypt, UN Women partnered with the government to create mobile registration units to improve vulnerable rural women's access to national ID card registration. Research prior to the initiative showed that up to 80 per cent of rural women in Upper Egypt were without ID cards, without which they could not access any other type of social, health or financial service, including an old age pension. In the past women had been reluctant to go to male-dominated police stations to register for ID cards. The mobile registration units made the process safer and less intimidating for women. In addition, more than 200 women registration officers from local communities were trained and deployed to visit vulnerable women in their homes and assist with the registration forms and explain the benefits of having an ID card. By mid-2012 more than 50,000 women had already been registered with the help of these frontline workers.

Corruption is a common constraint on the effectiveness of public services, and conflict-affected states often struggle with endemic corruption because state capacity is weak, and accountability and oversight mechanisms are often nonexistent. According to both Transparency International and forthcoming research by Huarion Commission and UNDP, grassroots women around the world consistently perceive higher levels of corruption in public institutions than men. This is particularly the case for institutions and services with which they come in contact most regularly such as schools and health facilities. Despite this it is surprising that Transparency International's analysis

of corruption claims at 38 citizen complaint centers around the world shows that men are on average 40 per cent more likely than women to seek help. This seems to indicate that information about complaint processes and redress is not accessible to women even though they may suffer from corruption disproportionately. Working with women's civil society to increase understanding of accountability mechanisms and complaint processes could have an important effect in responding to and preventing corruption.

Both grand corruption and petty corruption affect women differently from men. In the case of grand corruption, existing inequalities and patriarchal structures can be exploited to perpetrate abuses. Funding for services for women such as school or health funds can be skimmed off as women may be

less aware than men are of their entitlements and less likely to initiate accountability demands or complaints. In the case of petty corruption women pay for services through bribes, which represent a larger proportion of their income as they have higher poverty levels. However, a frequently ignored type of informal payment for public services is sex – where women and girls are coerced into providing sexual favors in lieu of bribes and in exchange for the public services and resources that are their due as citizens. More needs to be done to understand the impact of corruption on women in conflict-affected states and to learn how gender can be mainstreamed into corruption responses to ensure that the types of corruption that most afflict women and girls are addressed.

## KEY CONSIDERATIONS FOR SERVICE DELIVERY:

- 1. The design, planning, budgeting and provision of service delivery must address rural and poor (and other socially excluded) women's needs and priorities.*
- 2. National stakeholders should establish a dialogue and feedback mechanism between local governance structures, service providers and women service beneficiaries.*
- 3. Service delivery institutions should be supported to introduce gender-sensitive recruitment, retention and promotion policies, including affirmative action, as well as quotas for women in training programmes.*
- 4. Innovative methods of service delivery can improve women's access such as low cost one-stop-shop models and mobile outreach methods of service delivery.*

# CONCLUSION

The importance of women's engagement in post-conflict governance reforms must be understood first and foremost as a rights-based participation demand made by women themselves. Half the population has the right to have its voice heard. As UN Women's Executive Director stated in a discussion in November 2011 on the political transitions that had taken place that year:

*"Women want their voices to be heard. They want to exercise their rights. They want a seat at the decision-making table. They want to take responsibility for shaping the future of their families, communities and countries."*<sup>27</sup>

However participation is important not only because it is a fundamental human right for both women and men; it is important because there is also a clear link, first, between women's participation and their economic, political and social outcomes, and second, between women's participation and the stability and success of peacebuilding efforts and governance reforms more widely. Constitutional revision, political systems, electoral systems and political party all have specific impacts on women's rights and participation, while access to administrative processes,

such as decentralization and local governance, public administration reform and public service delivery can significantly improve women's economic and social outcomes.

Women's relationship with state institutions in terms of exercising their rights and having their voices heard has been difficult in many contexts, but in particular in post-conflict ones. To achieve these goals, national, regional and international actors involved in post-conflict political and administrative governance reforms need to recognize the challenges that women may face and that were outlined in this discussion paper. Local women's civil society needs to be supported to mobilize and advance women's interests; public institutions need to be designed to increase accountability for implementing women's rights; women leaders and gender equality advocates need to expand their influence and constituency base; and key stakeholders need to be engaged as champions in advocacy. Only through these concrete steps will women in post-conflict contexts be empowered to both improve their own lives as well as make a meaningful contribution to post-conflict peacebuilding.



## Annex 1: Women's Charters

### Women's Charter for Effective Equality, South Africa, 1994

The need for a Women's Charter was made evident during the 1992 transition to democracy when it became clear that political parties' delegations to the constitutional negotiating table would all be male. This provided the impetus needed to bring together the non-partisan Women's National Coalition that drafted the Charter. The coalition was not without its tensions and challenges; the drafting of the Charter took place against the backdrop of an extremely tumultuous period in South Africa. The Coalition had to deal with internal tensions and challenges, but was able to succeed by stressing inclusiveness and adding to the Charter the possibility of individual organizations retaining the right to reserve themselves from particular clauses, such as on reproductive rights.

Regarding the process, preliminary research was done to identify a wide set of relevant thematic areas. A National Strategy Workshop was then held in June 1993, to which each region sent two delegates. At the workshop, five key themes were identified as the core around which to build a draft: women's legal status; women's access to land, resources and water; violence against women; health; and work. The draft was subsequently taken to all the regions, and comments were collected and taken back to the central office for review. The draft was fine-tuned at a Steering Committee meeting and sent to the General Congress. After debate and more inputs the document was presented again to Congress and debated once more. The eight page Charter emerged from this and was adopted with the following Articles:

1. Equality
2. Law and the Administration of Justice
3. Economy
4. Education and Training
5. Development, Infrastructure and Environment
6. Social Services
7. Political and Civic Life
8. Family Life and Partnerships
9. Custom, Culture and Religion
10. Violence against Women
11. Health
12. Media

### Afghan Women's Bill of Rights, 2003

The Afghan Women's Bill of Rights (see Annex 1 for full text) was drafted, signed, and presented to President Karzai by women leaders from every region of Afghanistan, who participated in the third annual conference of Women for Afghan Women. The conference brought together a range of 45 diverse individuals; women community leaders in the movement for women's and human rights in Afghanistan, many grassroots women's rights activists, and women from rural provinces all around the country. The 2-page document was created entirely by the participants, with each of the 16 Rights debated and the wording unanimously agreed upon before inclusion into the document. The document was presented to the Minister of Women's Affairs, Habiba Sarabi, the Constitutional Commission of the Transitional Islamic State of Afghanistan, and President Karzai. In addition, the conference participants distributed the Bill of Rights throughout the country to educate communities about women's and human rights and advocate for the inclusion of their demands into the constitution. The full text is below

## Afghan Women's Bill of Rights

Presented to President Hamid Karzai by Women's Rights Groups

*Kandahar, 2003*

On September 5, 2003, in the historic city of Kandahar, we, the Afghan Muslim participants in the conference, "Women and the Constitution: Kandahar 2003", from Kabul, Mazar-e-Sharif, Kandahar, Herat, Wardak, Jousjan, Badakhshan, Samangan, Farah, Logar, Gardez, Kapisa, Uruzgan, Paktia, Helmand, Baghlan, Sar-e-Pul, having considered the issues of the constitution that affect the futures of ourselves, our children, and our society, make the following demands on behalf of the women of Afghanistan. Moreover, as representatives of all of Afghan women, we demand that these rights are not only secured in the constitution but implemented.

1. Mandatory education for women through secondary school and opportunities for all women for higher education.
2. Provision of up-to-date health services for women with special attention to reproductive rights.
3. Protection and security for women: the prevention and criminalization of sexual harassment against women publicly and in the home, of sexual abuse of women and children, of domestic violence, and of "bad blood-price" (the use of women as compensation for crimes by one family against another).
4. Reduction of the time before women can remarry after their husbands have disappeared, and mandatory government support of women during that time.
5. Freedom of speech.
6. Freedom to vote and run for election to office.
7. Rights to marry and divorce according to Islam.
8. Equal pay for equal work.
9. Right to financial independence and ownership of property.
10. Right to participate fully and to the highest levels in the economic and commercial life of the country.
11. Mandatory provision of economic opportunities for women.
12. Equal representation of women in the Loya Jirga and Parliament.
13. Full inclusion of women in the judiciary system.
14. Minimum marriageable age set at 18 years.
15. Guarantee of all constitutional rights to widows, disabled women, and orphans.
16. Full rights of inheritance.

Additional demands affecting the lives of women:

1. Disarmament and national security.
2. Trials of war criminals in international criminal courts and the disempowerment of warlords.
3. A strong central government.
4. A commitment to end government corruption.
5. Decisive action against foreign invasion and protection of the sovereignty of Afghanistan.

## Endnotes

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- 11 Section 187(1) of the Constitution of South Africa reads: "The Commission for Gender Equality must promote respect for gender equality and the protection, development and attainment of gender equality."
- 12 "After a conflict a good representation of the groups in conflict is crucial. This may be more important than providing for systems which produce overrepresentation of the largest party (and therefore produce a parliament where it may be easier to form government) or to have the direct accountability between voters and single MPs. Lijphard argues that there is a 'scholarly consensus against majoritarian systems in divided societies'". Butenschøn and Volla, 2011, *Electoral Quotas and the Challenges of Democratic Transition in Conflict-Ridden Societies: Nordem Special Report*, p. 199. <http://www.jus.uio.no/smr/english/about/programmes/nordem/publications/nordem-report/2011/special-report-20011.pdf>
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- 14 Green Line indicates Quota level. Afghanistan: Reserved 27%, Burundi, Reserved 30%, Iraq: Candidate Quota 25%, Nepal: Candidate Quota 33%, Rwanda: Reserved 30%, Uganda: Reserved 30%, BiH: Candidate Quota 30%, Kosovo under UNSCR 1244: Candidate Quota 30%, Angola: Candidate Quota 30%, Bosnia and Herzegovina: Candidate Quota 30%, FYR Macedonia: Candidate Quota 30%, Palestinian Legislative Council: Candidate Quota 20%, Sudan: Reserved 25%, Timor Leste: Candidate Quota 30%. Inter-parliamentary Union Parline Database 2012, <http://www.ipu.org/parline-e/parlinesearch.asp> Quota Project Database, 2012, <http://www.quotaproject.org/index.cfm>
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and the Empowerment of Women