



Report

# Ensuring a focus on sexual and gender-based violence in justice and security programmes

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STAND  
AND  
SAY NO  
TO VIOLENCE

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Cover photo: Day to end violence against women in Papua New Guinea. Credit: UN Women/Jurgita Sereikaite



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## 1. Introduction

Sexual and gender-based violence (SGBV) affects a third of all women in their lifetime. It is a problem shared across the world and occurs regardless of level of national or individual prosperity. It impacts negatively women's ability to participate in the economy, women's mortality and morbidity (Heise, Pitanguy, Germain, 1994; Heise, Raikes, Watts and Zwi, 1994) and family resilience. And yet development and foreign policy discourse has historically given insufficient acknowledgement to its severity. This has changed in recent times and, increased interest within official foreign policy and development agencies has coincided with the 20th anniversary of the Beijing Platform for Action and the 15th Anniversary of UN Security Council Resolution 1325. This has created an unprecedented opportunity to make advances against an endemic problem that affects some of the world's most vulnerable people. However, SGBV is a stubborn and persistent issue and without clarity on how to focus the approach and what to prioritise, it could easily be consigned to the 'too difficult' category as the current focus fades.

## 2. Like everything else, SGBV is a political problem

This brief focuses on assisting policy-makers and implementers as they design responses to SGBV. It draws heavily on a 70-country<sup>1</sup> study of violence against women that combines country data with an examination of change over time to draw conclusions about interventions and approaches that have reduced *national* incidence of violence against women (Htun and Weldon, 2012). The quantitative coverage of this study plus its use of qualitative case study data represents the best available basis for making policy recommendations.

The clearest message from the evidence is that SGBV is a political problem – and that its global incidence and persistence are a function of women's second-class status in society.<sup>2</sup> This fits closely with current understanding generally – and understandings of justice and security in particular – and should come as no surprise. It suggests responses to SGBV require solutions that are both (and simultaneously) practical and political in nature. Practical solutions that ignore the political are likely to be temporary at best; at worst, they may cause a backlash against vulnerable women.

Survivors of SGBV experience three distinct problems when they try to access support. First, laws on violence against women themselves may incorporate norms that disadvantage women. For example, rape in marriage was not considered a crime in the UK until 1991.<sup>3</sup> This reflected an understanding that marriage implied universal consent to sex, regardless of the circumstances. Second, women themselves have limited knowledge of their rights or the procedures involved in proving a crime.

Third, officials who implement the law often respond to requests for assistance in a way that reflects their own values and norms rather than the legal or policy position. This is best reflected in the oft-reported refusal of police forces to formally investigate crimes of violence against women that happen in the private sphere. Women will often encounter hostility when trying to report crimes or discrimination in the investigation of these crimes. This issue has consistently proved the most significant obstacle facing women who seek support of redress. When the police will not open a case – access to justice is blocked. In short, no report, no redress.

Official responses to SGBV have often focused predominantly on law reform and improving women's knowledge of their rights – responses to the first and second problems above – but have ignored the way law reflects local political and social norms. Consequently, many reforms have foundered in the face of stubborn practices that persistently discriminate against women. This brief details both the practical changes required to improve support and redress services for survivors of SGBV and strategies for effecting the political changes that will sustain these practical changes.

At a practical level, it is clear that what delivers reduced incidence of SGBV is a series of legislative and service delivery changes authorised and implemented by government. We list these below. Many of the suggested changes fall easily within the scope of existing justice and security approaches. However, most governments will only make and implement change to SGBV prevention and support structures if they are pressured to do so. Feminist/women's rights organisations, rather than women in government, increased government spend or even a Ministry for Women, are the critical element in creating and maintaining the sustained pressure and focus required to reduce the incidence of violence against women. This is because it is these organisations that have been able to work politically – and that have been able to tackle the

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1 Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Lithuania, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Romania, Russia, Saudi Arabia, Slovak Republic, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Taiwan, Tanzania, Thailand, Turkey, UK, Ukraine, Uruguay, US, Venezuela and Vietnam

2 For a discussion of this, see (Domingo and O'Neil, 2015). See also Domingo et al. (2015).

3 The common law position until 1991 was a husband could not be convicted of raping his wife except in certain limited circumstances. This was overruled by the 1991 case of *R vs R* which noted that 'the husband's immunity ... no longer exists ... a rapist remains a rapist irrespective of his relationship with the victim', see The Law Commission (1992).

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social and political norms that have underpinned both the persistence of SGBV and the persistent failure to reduce the problem.

### 3. Reducing SGBV prevalence: Necessary structural changes

The following institutional and legal changes have proved effective in reducing SGBV incidence. The evidence suggests a cumulative approach – the more of these changes, the greater the reduction in prevalence of SGBV in the national context.

Services for survivors:

- domestic violence and rape crisis shelters
- crisis services for other forms of violence, including stalking, female genital mutilation (FGM), etc.<sup>4</sup>

Legal reform:

- specialised legislation pertaining to domestic violence
- specialised legislation pertaining to sexual assault/rape
- specialised legalisation pertaining to other forms of violence, including trafficking, sexual harassment, FGM, etc.

Policies or programmes targeted at vulnerable populations of women:

- specialised services for women of vulnerable and marginalised groups (defined by ethnicity, race, caste, religion, etc.), including bilingual hotlines, specialised crisis centres and specially trained police

Training of professionals who respond to victims:

- training for police, social workers and nurses – initially frontline workers who deal with victims but eventually all departments

Prevention programmes:

- public education programmes focused on increasing understanding of – and reducing public tolerance for – SGBV

Administrative reforms:

- maintenance (proper resourcing) of a specialised agency to provide leadership, coordination and support for SGBV policies across all levels

### Why does government delivery matter?

Many contexts rely on civil society to deliver services and responses to SGBV. The evidence suggests government action matters because 1) it sends a signal about national priorities; and 2) it furnishes incentives for the mobilisation of social movements that can make up for gaps in implementation and drive political will. Where government implementation is not practical, the evidence suggests that the more overtly government supports – and approves of – alternative delivery, the better.

### Why does specific focus matter?

In short, anything not specifically focused on SGBV has a nasty habit of ‘slipping off’ the agenda. For example, although SGBV is theoretically covered by general criminal sanctions against violence, without specific criminalisation, crimes against women are seldom prosecuted. In addition, specific focus is required to deliver the set of holistic changes – across different parts of government – which cumulatively reduce incidence and prevent its re-occurrence. Most of the reforms and actions successful governments take could be supported through current security and justice programmes, but some – for example training for health workers – are not. The single-minded focus of feminist organisations is important in delivering the breadth of reform required for change. Donors can support this approach by thinking beyond their specific programmes and using cross-sectoral engagement to influence their incorporation into relevant programmes in health and education and in other appropriate responses.

### 4. Reducing SGBV prevalence: Creating the pressure that ‘encourages’ national governments to embrace change

Beyond government, there is a key question about what puts the SGBV agenda on the table and keeps it there. The answer is autonomous feminist organisations – preferably focused on SGBV but at least on questions around the position of women.

In sum, the evidence suggests that combining 1) a set of specific responses across different sectors to SGBV (preferably within government) with 2) enabling actors within civil society whose focus is on ensuring SGBV is – and remains – a priority for the national government delivers reductions in SGBV prevalence.

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<sup>4</sup> The best model for crisis centres is ‘one-stop shops’, where victims can go immediately after an assault and access a range of services. Shelters are expensive but there are some very interesting examples of sustainable shelters paid for by communities.

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## 5. Alternative dispute resolution and sexual and gender-based violence

This paper uses ‘alternative dispute resolution’ (ADR) as a portmanteau term for informal justice systems, including customary, tribal and religious. The evidence suggests it is a mistake to assume SGBV can be dealt with through ADR. First, few ADR systems are set up to manage crime. Second, the evidence gained from justice system use suggests that, whereas women will often choose ADR systems for other matters (e.g. custody), they will often seek assistance from the formal legal system in instances of SGBV. At a minimum, if programme design favours ADR as the preferred option, there should be a clear established right of appeal or other mechanism for transfer into the formal court structure.

## 6. The evidence base – a brief discussion

### Prevalence globally remains high

World Health Organization (WHO and London School of Hygiene & Tropical Medicine, 2010) studies on SGBV in 86 countries across Africa, Asia, the Americas, Eastern Mediterranean, Europe, South East Asia and the Western Pacific show that up to 68% of women have experienced physical and/or sexual violence from an intimate partner in their lifetime. The UN notes that gender-based violence is a major cause of death and disability for women aged 15–44 years (United Nations Economic and Social Affairs 2015; UN Women). Between 20,000 and 50,000 women in Bosnia-Herzegovina were raped in the 1992–1995 war. During the 1994 Rwandan genocide, an estimated 250,000–500,000 women were raped.

### ... and has persisted

SGBV, whether in war or in the ‘safety’ of home in a stable context, is a persistent problem. The issue has been understood and discussed (by feminists) for a long time. For example, the 1975 international women’s conference in Mexico highlighted the issue while the 1990 Beijing Platform for Action included violence against women as the fourth of its 12 critical areas of concern. But work in preparation for the Beijing+20 report noted with concern that the only positive take in the post-Beijing era on violence against women is that is ‘more visible, no longer hidden’ (PEN International 2015). Prevalence rates persist. ActionAid (2013) notes that ‘violence against women and girls is the most widespread form of abuse worldwide, affecting one third of all women in their lifetime’ (p.3).

## What works

SGBV is a ‘wicked problem’<sup>5</sup> – the causes of violence against women are complex and operate at multiple levels. Attitudes stemming from gendered power differentials are involved, as are the ways in which gendered power differentials are institutionalised in law, policy and practice. Beliefs about male dominance, female economic dependency, male authority in the family patterns of conflict resolution that emphasis toughness, violence and male honour predict high levels of SGBV; institutionalisation of these norms in the legal system and wider politics means SGBV is perpetrated with impunity.

Consequently, governmental responses to violence against women need to be multipronged. A global comparative study of policy responses in 70 developing countries suggests those that have been most successful in reducing prevalence have responded across a number of axes in ways focused on protecting victims of current violence and preventing future violence (see reforms listed earlier; Htun and Weldon, 2012).

Htun and Weldon (2012) note that the more of these reforms are implemented, the lower the prevalence of violence against women. This corresponds with the understanding that wicked problems are complex in origin, requiring solutions that are multipronged and can respond to complexity across a number of different levels and – in this instance – sectors.

### A multipronged approach, some additional observations

Legal reforms need to involve codifying explicit crimes of violence against women, even when general laws against assault and murder apply (Carillio et al., 2003; Chalk and King, 1994; Davies, 1994; Martinez and Schrottler, 2006). Counselling, shelters and other housing and legal assistance help women leave abusive relationships (Carillio et al., 2003; Chalk and King, 1994; Martinez and Schrottler, 2006). Training and dedicated units for police, social workers, judges and other professionals improve victims’ experiences with these agencies (ibid.).

In addition to responding to victims, governments can seek to reduce violence through preventive measures such as public education and social marketing (Carillio et al., 2003; Chalk and King, 1994). Given this array of measures, coordinating efforts are important to ensure agencies are working together to redress violence instead of working at cross-purposes (Chalk and King, 1994; Weldon, 2002a).

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5 Wicked problems ‘share a range of characteristics—they go beyond the capacity of any one organisation to understand and respond to, and there is often disagreement about the causes of the problems and the best way to tackle them. ... Usually, part of the solution to wicked problems involves changing the behaviour of groups of citizens or all citizens. Other key ingredients in solving or at least managing complex policy problems include successfully working across both internal and external organisational boundaries and engaging citizens and stakeholders in policy making and implementation. Wicked problems require innovative, comprehensive solutions that can be modified in the light of experience and on-the-ground feedback’ (APSC, 2007: 1).

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Many of the reforms associated with a reduction in SGBV prevalence can be incorporated into approaches to security and justice, but cross-linking to health and education programmes has the potential to increase impact in terms of SGBV incidence.

### **Security and justice specific reforms, some observations**

Even when there is weak implementation, government policies and legislation against violence against women are important. Government action matters because it 1) sends a signal about national values and priorities and 2) is an incentive for the mobilisation of the women's rights groups that can drive political will and make up for gaps in implementation. Where it is not possible for the government to implement, the rule of thumb is broadly that the more the government approves publicly of and supports – preferably financially – civil society or alternative delivery, the better.

### **What determines whether governments will take action to prevent SGBV and continue to prioritise the agenda?**

Most people today think violence against women is a crime and see it as a violation of human rights. This was not always the case, and SGBV has not always been seen as central to human rights activism or to human rights.<sup>6</sup> Violence against women has seldom been raised as an issue, and much less as a priority, without pressure from autonomous women's rights groups. (Weldon, 2002a).<sup>7</sup> This is true even among progressive social justice organisations. Similarly, most organisations did not recognise rape or intimate violence as issues until feminist activists pressed them to do so. Autonomous women's rights organisations – including feminist groups, organising to advance women's status – have defined the concept of SGBV and put the issue on national and global policy agendas. Weldon and Htun (2012) in their comparative 70-country study identify two reasons why independent women's groups matter.

First, autonomous women's groups generate the specific understanding and analysis of women's position that informs effective strategies on SGBV. This is not

produced in more generalised settings because social privilege and bureaucratic hierarchy shape organisational agenda-setting.<sup>8</sup> When women's issues are 'mainstreamed', they are often classed alongside other special interests because they are relevant 'only' to women, and sidelined. This perception results in the subordination of SGBV to other more generally applicable concerns in spite of its prevalence. Only autonomous women's rights groups have consistently placed violence against women on the agenda.

Second, because of the relationship between gendered power and attitudes towards women in society, SGBV responses and solutions challenge, rather than reinforce, established gender roles. For example, maternity leave – or child care concerns – are seen as legitimate concerns for women, because they fall into the domestic sphere. It can be difficult to raise SGBV issues, by contrast, because they are so closely aligned with male power structures that bureaucratic reprisals or social censure might follow.

This is not to say men are not important in striving to reduce the prevalence of SGBV, but their role needs to be defined by those for whom SGBV is a daily reality. In particular, the engagement of powerful actors (still for the most part men) in legal institutions – for example the police or the judiciary – has been especially effective, because they have been able to institutionalise changes to procedure and behaviour. Behaviour change at implementation level is an effective counter to the stubborn social and political norms that impede change.

### **Women's policy agencies**

As noted above, a strong, well-funded policy machinery has been found to be critical to keeping SGBV on the agenda in established and emerging democracies. This is more likely to be effective if it entails cross-sectoral high-level agencies that are well resourced.

### **"Informal" justice systems - do they deliver for sexual and gender-based violence**

"Informal" justice systems, including ADR and mediation are often a key tool in the access to justice approach. This is because they offer affordable justice, close to home, which justice seekers can easily understand. This combination appears to offer a number of advantages for

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6 As late as 1999, the Eurobarometer survey found that as many as one in three Europeans thought violence against women should probably not be considered a crime (Eurobarometer, 2010). And although it may seem obvious now that rape, trafficking, domestic violence, honour crimes, FGM and other forms of abuse of women are violations of women's human rights, it is important to recognise that such violence has not always been seen as central to human rights activism or even to women's rights. The Universal Declaration of Human Rights fails to mention violence against women, although it does touch on other gender issues such as family law. When the Convention on the Elimination of All Forms of Discrimination Against Women was presented to the intergovernmental meeting at Copenhagen in 1980, there was no mention of violence against women as a priority for action, except for minor provisions dealing with trafficking in women, prostitution and 'crimes of honour'. It did not recognise violence against women as a priority in its own right or acknowledge the links between various forms of violence against women and male domination. 'Family violence', FGM, and other violations of women's human rights were treated as distinct issues (Keck and Sikkink, 1998; Weldon, 2006b).

7 Htun and Weldon (2012) note that 'the autonomous mobilization of feminists in domestic and transnational contexts--not leftist parties, women in government or national wealth--is the critical factor accounting for policy change. Further, ... the impact of global norms on domestic policymaking is to some degree conditional on the presence of feminist movements in domestic contexts, pointing to the importance of on-going activism and a vibrant civil society.' (p.1;2)

8 For a discussion of this see Weldon 2002B.

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the victims of SGBV. However, the evidence suggests that the assumption that SGBV can be dealt with through ADR systems needs to be carefully tested. There are a number of reasons for this.

First, informal, customary and tribal systems are often underpinned by a completely different set of principles from those underpinning formal systems. Very briefly (and inevitably simplistically), formal systems are adversarial. They consider the law and decide who is right and who is wrong and deliver justice accordingly. ADR or informal systems focus on settling disputes in a way that preserves community harmony, with women and girls' rights often viewed as less important or a bargaining chip in achieving community harmony. Secondly, ADR systems do not deal with crimes and it is not always appropriate to deal with assault as a mediation matter.

Thirdly, justice-seeking behaviour studies and anecdotal evidence suggest women will opt out of ADR systems when they are seeking redress for intimate violence or rape. There are exceptions, do with civil society programmes that have worked with ADR systems to increase their understanding of SGBV and human rights.

## 7. The way forward

The international community has an unprecedented chance to support survivors of SGBV across the world, and donor agencies have allocated significant funding to these efforts. This includes a commitment to supporting survivors in both stable contexts where SGBV remains a grim daily reality for many women and girls and unstable contexts where conflict significantly increases SGBV incidence. This commitment is welcome, but it will be wasted if it is used to support technical 'fixes' only. This is a problem that needs a political approach.

The need for political approaches is often discussed, and only an unwise aid agency would claim that it did not work politically. This means there is a risk of devaluation of the currency of the term. So what does it mean in the context of violence against women?

At its core this is a concern with **power**. Women as a group usually have less of it than men. The institutions with which SGBV programmes have to engage reflect and reproduce the power dynamics in society and this in turn means institutions like the police and justice system tend to fail the women who are survivors of male violence. Working politically therefore means designing programmes where it is possible to start shifting the power and political dynamics that mean that institutions fail survivors of SGBV.

This cannot be done from the outside: external actors lack the legitimacy and understanding to do anything more than play a support role. This support role needs to be underpinned by an understanding of power and politics – and this is why feminist organisations are critical. They focus on, understand and have the legitimacy required to challenge and shift local power and political dynamics. Methods focus on raising awareness, designing solutions and **simultaneously** creating the consistent pressure that will keep SGBV on the agenda and direct conversation towards power. International support to these groups, both direct and indirect, can also entail raising the issue in diplomatic exchanges with senior power-brokers.

Finally, we need to be aware that this is an issue where we in the UK have also faced a long often difficult struggle, both with SGBV incidence, which remains stubbornly high, and within our own agencies, where it is taken a long time to create the momentum we currently have.<sup>10</sup> This is a shared problem; we don't have solutions but we do – thanks to the work of feminist scholars and activists – have solid evidence about what works.

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10 For a fascinating discussion of this struggle with regard to SGBV in conflict, see this podcast of a presentation given by Anne-Marie Goetz at the London School of Economics in November 2015: <http://www.lse.ac.uk/newsAndMedia/videoAndAudio/channels/publicLecturesAndEvents/player.aspx?id=3291>



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