Politics
& Governance

A problem-focused approach to violence against women:

The political-economy of justice and security programming

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Methods and Resources

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Introduction

The United Nations Commission on the Status of Women ended its 57th session on 15 March 2013 with an outcome document affirming the importance of eliminating violence against women (VAW). The Commission was unable, however, to achieve consensus on a global action plan. The negative reaction of some UN member states to an action plan is a worrying reminder of ongoing resistance to reform. These persistent challenges highlight the continuing struggle to gain a serious global commitment to address VAW and recognise it as a breach of women's fundamental human rights.

Engaging in this struggle, many donors have put addressing VAW generally, and in fragile and conflict-affected situations (FCAS) specifically, at the top of the development agenda and made it a major priority of international policy. But in practice progress remains difficult, not least due to entrenched resistance and discriminatory socio-political norms and gender relations that persist in many societies. The problem of violence against women therefore needs to be addressed from the perspective of the concrete socio-political and cultural conditions that shape its particular features and the relevant context specific dynamics of conflict, post-conflict patterns of violence and fragility. International efforts to support reform in the area of VAW in FCAS need to go beyond prescriptive approaches that focus on what access to protection, justice and redress should look like.

We propose here an approach that engages with the specificities of the problem – paying attention to context, and the concrete political-economy dynamics of the drivers of VAW – and takes account of the real options that women face in navigating the available security and justice chains to seek protection, redress and justice.

1 VAW and security and justice programming

VAW is a multidimensional problem that accordingly requires a multifaceted approach from a wide range of policy areas addressing prevention, protection, and redress. In relation to security and justice programming, objectives are diverse, and may include: health and treatment of trauma; addressing legacies of violence; awareness raising and education targeted at different actors including victims, community members and security and justice officials; legal change to bring national laws in line with criminalizing and punishing acts of VAW; and measures to provide protection and redress through security and justice programming, including to end impunity.

Broadly speaking, reform objectives are about achieving institutional and attitudinal change, and altering the incentive structures towards addressing and raising awareness of VAW amongst a range of relevant stakeholders. Support to security and justice reforms thus requires working with a number of different actors, including the police, judiciary, lawyers and bar associations, the prisons service, government departments, legal aid and civil society groups. Yet despite the plethora of programming entry points, evidence of what works in relation to justice and security programming regarding VAW remains patchy. This reflects, first, the relatively recent integration of gender-sensitive approaches to security and justice programming, and second, that mainstream international support to these sectors, despite the growing international commitment to act on VAW, has tended to remain largely gender blind.[1]

The increasing attention to – and perceived importance of – security and justice programming in achieving development in contexts of fragility and conflict has been set out in numerous policy documents, such as the World Bank's 2011 World Development Report, the OECD-DAC 2011 Statebuilding Guidance Note and the 2011 New Deal for Engagement in Fragile States. In addition, many of these documents reflect the now established consensus on the need to move away from more top-down, state-centric, technical and legalistic approaches to security and justice programming that have prevailed in the past. There is a call for a greater emphasis on societally focused approaches to understand how 'end users' experience justice and security

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1 See Ni Aolain, et al 2013 for a comprehensive critique and analysis of how gender perspectives feature – or are lacking – in conflict and post-conflict reform settings.

and what their actual needs are, as opposed to prescriptive blueprint approaches. There are also calls for more politically informed engagement that takes account of how security and justice provision is embedded in the wider political-economy context (Castillejo 2011). Despite these calls, however, in practice donor engagement has often tended to remain focused on formal institutions and processes (rather than practices) of security and justice (Mobekk 2010). This is notwithstanding both more work on demand side approaches and an acknowledgement of the need to engage with non-state providers.

From the perspective of VAW and gender responsiveness in international engagement in FCAS, progress has overall been limited in security and justice programming, but there are a number of relevant developments in the last decade, and especially more recently, that have created momentum for change. First, at a global level, the consensus on the need to take account of women's experiences of conflict, including with respect to sexual and gender-based violence, is reflected in five United Nations Security Council Resolutions. These include: UNSCR 1325 on Women, Peace and Security (2000); UNSCR 1820 (2008), UNSCR 1888 (2009), UNSCR 1889 (2009) and UNSCR 1960 (2010). These have gone some way towards advancing the international agenda to improve the protection of women and girls and providing an international normative framework against which national-level action on SGBV/VAW can be assessed (Barnes 2006; Barnes, Olonisakin and Ikpe 2011). In addition, there have been developments in international law and jurisprudence, such as the International Criminal Court's recognition of sexual violence as a war crime since 1998, which have resulted in the criminalization of some forms of VAW.

Second, in recent years the international agenda on security sector reform (SSR) (which includes work on justice) has produced a number of studies and toolkits on what gender-sensitive approaches to the sector should include or take into account (Bendix 2009; Valasek 2009; Jacob 2009).[2] Of note in this work is that it has sought to engage with what has traditionally been a very masculine world in which gender analysis has been at best peripheral and more often absent from most 'mainstream' justice and security sector support. This reflects the reality that addressing VAW within justice and security programming has tended to remain in what continues to be a very specific gender 'silo'. The value of this work lies in its effort to bring VAW to the forefront of SSR.

Third, and somewhat on the back of these initiatives, there are some emerging practices that seek to address a range of demand side issues related to access to justice, in addition to working through the more standard justice and security sector actors, but in ways that begin to integrate gender-sensitive approaches. For instance, in Sierra Leone the International Rescue Committee is working at the household level to improve joint decision-making and communication between couples to reduce the prevalence of domestic violence; and TIMAP for Justice and BRAC are training community-based paralegals to act as free mediators that can provide an alternative to customary and formal justice systems (Denney and Ibrahim 2012). Similarly, UN Women programming (with DFID support) in Haiti supports multi-sectoral community-based security committees established to respond to cases of VAWG. This has led to improved engagement and responsiveness, for instance, of police commissariats on cases of VAW (DFID 2012; see also UNWOMEN 2012). In Burundi, the traditional judicial institution for conflict resolution, the *Bashingantahe*, was amended to allow for the involvement of women with support from UN Women. This included international interventions to support the sensitization of the *Bashingantahe* on women's rights and rethinking its role in addressing violence against women. Women can now participate in judicial decisions and this has resulted in an increase in cases of sexual violence heard by the *Bashingantahe,* as more women are reporting cases of abuse (UN Women 2011).

Thus, while it is not necessarily evident that analysis of the multidimensionality of VAW is what mostly informs programming, some international interventions reflect efforts to work more creatively with context and relevant actors – including at the community level – to find practical solutions, rather than following prescribed pathways to engagement. Such forms of engagement are still incipient, however, and only scantily documented.

Despite these advances in incorporating gender considerations into security and justice programming and the wide ranging objectives in place to address VAW, however, programming often falls back on a handful of common approaches such as legal change; training of police, judges and lawyers; instituting 'gender units' within the police; and conducting awareness raising of women's rights within these institutions and among

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2 Increasing importance is placed in policy documents on integrating gender analysis into SSR to address VAW. See for instance, the DCAF Gender and SSR Toolkit (Bastick and Valasek 2008), OECD-DAC 'Integrating Gender Awareness and Equality' (2009), and more recently DFID's How-to-Note on VAWG (2012).

communities and women's groups (Mobekk 2010). While the importance of these approaches should not be underestimated, and they all provide important spaces for change, programming that from the outset engages with the multidimensionality of VAW and the multiple ways in which women seek redress for it has not been the norm. Moreover, experts within particular programming approaches often remain within their field of expertise, with insufficient engagement across, for instance, the professional worlds of transitional justice, policing and justice sector reform (Horn, et al 2006). Thus, transitional justice experts are often just that, and have limited engagement with police reform experts – and vice-versa – so that there is a sense that opportunities for more effective coordination across reform areas are being missed.

Drawing on the limited documentation of innovative justice and security programming to address VAW, three things seem important for effective results:

1   The value-added of a nuanced, politically-informed and multidimensional understanding of the specific nature of the problem of VAW in a particular context;

2   The need for a more disaggregated analysis of what security and justice chains look like in practice; and

3   An analysis of the gendered power relations and incentive structures that shape the dynamics of the security and justice chains, with important consequences for how VAW is perceived and addressed by different stakeholders.

2   The problem of VAW in FCAS

There is recognition that conflict and post-conflict processes negatively affect women in disproportionate ways. Yet the conditions, forms and intensity of VAW vary, related to the particular features of conflict, violence and fragility; the historical and socio-political context; and the position and experience of the woman (Ni Aolain et al 2011). In some cases, where peace agreements and political settlements are being (re)negotiated, unique windows of opportunity to redefine forms of security and justice provision in ways that integrate gender, and target VAW, are possible (Fitzsimmons 2005). However, conventional power structures also have a tendency to reassert themselves relatively quickly as part of efforts to 'get back to normal' in post-conflict life (Manjoo and McRaith 2011). The dynamics of post-conflict environments can also often result in an increase in VAW through the availability of weapons; trauma and the reaction to loss of power among male members of the community; high levels of, particularly youth, unemployment; and context-specific legacies of conflict-related violence. The experience of VAW – especially in the extreme forms that can often feature in conflict-affected and post-conflict settings – is especially debilitating for prospects of enhancing agency and empowerment among women afflicted (Hossain 2010).

Because of the different ways in which VAW unfolds, what it reveals about gender relations and wider social norms regarding gender roles, and how the legacy of violence shapes social fragmentation and the texture of state-society relations, it is important to have a deep understanding of the particularities of the problem in each context. What are the prevailing patterns (and perceptions) of VAW? What are the *real* as opposed to *ideal* options for how women can seek protection and redress? How does impunity for perpetrators feature, and if there are constraints regarding impunity and resistance to reform, where are these most entrenched, and what room for manoeuvre is there to alter incentives and mindsets? And finally, how can the international community most effectively – and realistically – deal with this complexity of issues to make a difference in how it supports efforts to address VAW in particular contexts?

Finally, in many FCAS, the fact of legal pluralism and institutional hybridity adds further complexity to the problem, as support which focuses mostly on state-centric forms of justice and security provision is unlikely to be effective for a large portion of women who live in areas where the state may have very limited presence (Albrecht and Kyed 2011). In other contexts where state presence is not the issue, state institutions may be complicit with high levels of tolerance for VAW – or indeed be the main source of danger. Given the wide range of determining contextual factors, identifying and disaggregating the specific factors that shape patterns of VAW and what affected women can realistically do about seeking protection and redress needs to feature from the start in programming.

3   Working through the justice chain(s)

In order to support change in the ways women are able to seek protection and redress for violence, it is important to have a clear understanding about the avenues available to them. Conventional approaches to security and justice programming have either prioritized the formal justice system as the primary avenue for

women to seek redress (Isser and Chopra 2011), or they provide very static and siloised approaches to particular components of the security and justice process without sufficiently taking account of how these are interconnected in practice, or the wider socio-political and cultural context in which these are embedded. This is, in part, due to the similarity between formal justice systems in FCAS and the Western legal systems familiar to many reformers, which has resulted in a tendency to focus on formal remedies to protect victims, and less attention paid to alternative modes of redress which in many contexts may be more within the reach of affected women. However, the reality of legal pluralism in many FCAS is increasingly being recognized (Albrecht and Kyed 2011). This recognition should not suggest that engagement with formal justice chains is not important in addressing VAW – indeed, legal change to criminalise VAW is critical and can be a catalyst for changes elsewhere within the justice system; and altering the policies, practices, awareness and incentives of formal justice actors, such as the police, judges, and so on, is clearly relevant. However, in order to engage with the multidimensionality of issues of VAW, it is important to track and understand the *multiple avenues available* (that have varying levels of accessibility) to women in many contexts, which can each play a role in how VAW is dealt with in society.

Given these concerns, tracking the justice chains as they exist in each context is important (following Gloppen 2006; and UN Women 2011). In contexts of legal pluralism and institutional hybridity, for instance, we know that there is often more than one norm system in place dictating justice outcomes. Given the multiple justice chains that women face in reality, it is imperative to identify what these look like, and what alternative options they present in practice for women who have experienced VAW. We identify in diagram 1, below, four parallel and interconnected justice chains that are common in many FCAS contexts (and there may also be others). It should be noted, however, that legally plural contexts will not always be the norm, even in FCAS, and that the weighting between and across justice chains varies enormously between countries as well as within them. There are also important differences in terms of how women in different contexts and situations perceive and resort to different justice choices. Urban women are likely to face different options to rural women, for instance, in terms of what justice and protection mechanisms they can access, or are likely to serve their immediate needs most effectively. The point, therefore, is not that all the justice chains below are relevant in all contexts; but rather that a deep understanding of which chains are relevant, and how, for each context – including the variations at sub-national level – is critical to ensuring effective engagement with VAW.

Figure 1: Multiple Justice Chains
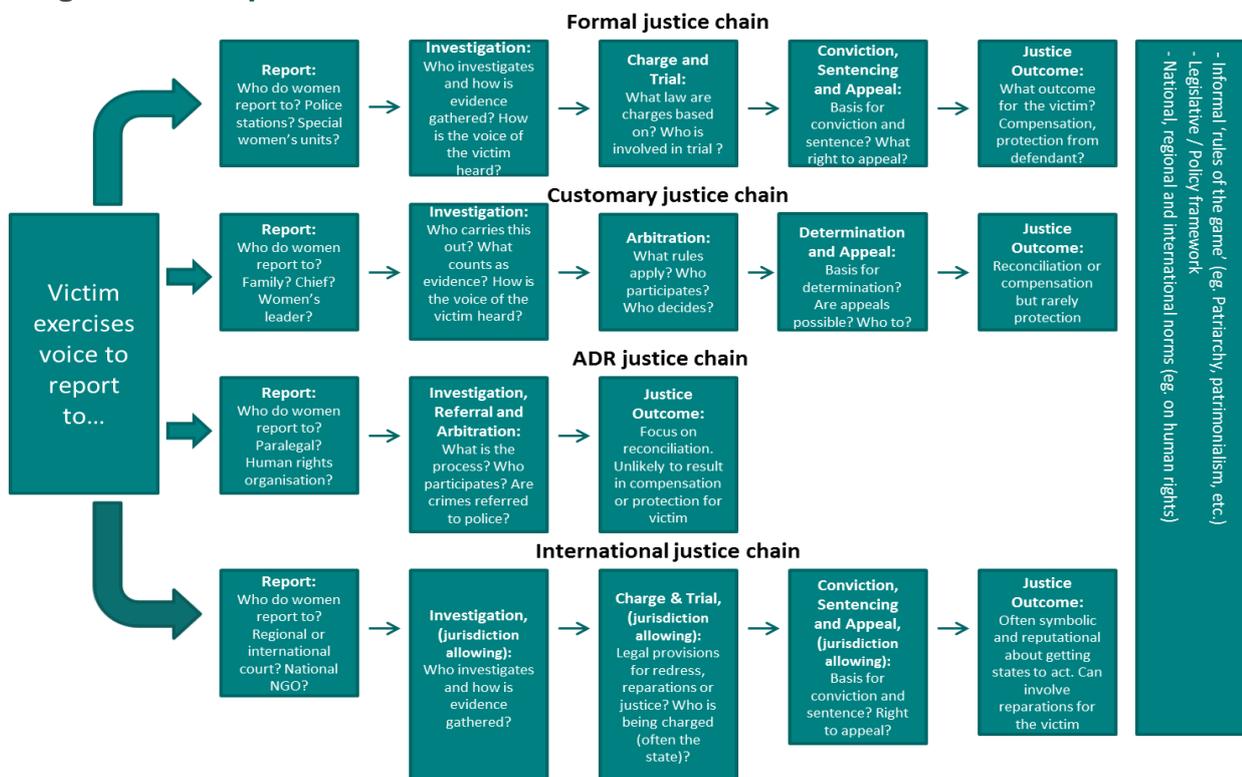
Source: authors' elaboration

Although these chains are depicted as discrete, it is important to note that they are deeply interconnected in practice, and impact on each other. Neither remains static overtime, and change is also the result of how they intersect. As a Sierra Leone case study on redress for VAW revealed, women 'forum shop' between these chains and those involved as arbiters along the chains may themselves refer cases across the justice chains in some contexts (Denney and Ibrahim 2012). For instance, in Sierra Leone, chiefs and paralegals may refer cases of sexual violence to the police, and similarly police may refer VAW cases deemed to be 'minor' to customary channels. As a result, engagement with the various chains should not be approached as isolated activities, but rather as nested within a broader justice system that includes the various chains relevant in each context. In addition, women may activate action in one chain to affect outcomes in another. For instance, mobilizing before regional rights frameworks, such as the Inter-American Court of Human Rights, can trigger state action at the national level.

It is useful, here, to provide a brief explanation of each of the chains included in diagram 1.

- **The formal justice chain**, as relevant to VAW, includes the state legal system, made up principally of the judiciary, which adjudicates on the basis of the constitution, legislation and case law (in common law systems) and includes trained lawyers and judges in a courtroom or formal mediation setting; and the law-enforcement and protection bodies, which include principally the police. The entry point for victims of VAW to this chain is often through reporting to the state police. The content of law is important in terms of what it says about how acts of VAW are to be sanctioned, as is the process of adjudication and enforcement – which is, among other things, dependent upon the resources, capabilities and integrity of relevant stakeholders.

- **Customary justice chains** vary greatly and can involve a diverse array of actors, from religious leaders to chiefs to community elders. Norms are mainly unwritten and community-specific, with adjudication or arbitration taking place mostly in the absence of lawyers, though potentially in a community or local court setting. Because of the perceived absence of due process, decisions are often seen to be arbitrary (and may be so) and may perpetuate unequal gender relations. They may also, by contrast, attract local support and be seen to provide more effective remedies than the formal justice chain (Vincent 2012). In relation to VAW, there is a concern that the weight of patriarchy and stigmatization is an overwhelming factor in inducing women to seek remedy at this level. Precisely for this reason, it may be the level where most transformation is needed.

- **Alternative dispute resolution chains** are increasingly common in many FCAS contexts and can be indicative of the increasing resonance of women's rights within societies. For instance, use of paralegal and human rights organisations was found to be on the increase in the Sierra Leone case study, as these ADR channels are cheaper and often more accessible than the formal justice chain and offer a more rights-respecting approach than some customary justice chains (although, of course, this is context dependent) (Denney and Ibrahim 2012).

- Finally, the **international justice chain** is an often forgotten channel for addressing VAW. This is undoubtedly due at least in part to the fact that international justice is largely inaccessible to most women and is rarely utilized. There are examples of effectively seeking redress through international justice, however, as in Latin America through the Inter-American Court of Human Rights, which has handed down decisions that help to secure greater respect for women's rights (Charlesworth and Chinkin 2000). While international justice can be a means to protection or reparations for individual victims, its unique 'value-added' is perhaps also about providing symbolic decisions and political pressure, based on the reputational costs of non-compliance, focusing on triggering state action to take more seriously the broader issue at stake within a specific case. But the cumulative impact of growing jurisprudence is also important.

While each of the justice chains are interlinked, so too are the stages within each chain, and in order to effectively address VAW, change at one stage of a justice chain is often dependent on change at the other stages as well. For instance, supporting opportunities for women to report cases of VAW at the first stage of the formal justice chain may boost reporting numbers, but if the judge who heard the case is lenient on the perpetrator (because of unreformed laws, or prevailing legal cultures that are permissive towards VAW, for instance), then from a victim's perspective nothing has been gained. Indeed, more harm may be done by raising expectations, inducing a situation of potential backlash or increasing the likelihood of stigmatization in the community. Thus, the various stages of the justice chains are also interdependent, and addressing VAW effectively will require an understanding of, and a holistic approach to, all stages along the chains to ensure that change at one stage is not stymied by a lack of change at another (Domingo and Denney 2013).

Within each stage of the different chains that women can potentially choose among, there are different issues and questions about what shapes those choices, and what the real opportunities for protection, justice and redress are that women have in practice. This involves identifying who the decision makers are at each stage, what the (gendered) power relations are that shape the scope for effective choice and agency by women, and what the prevailing norm systems are – social, cultural and formal – that dictate attitudes towards VAW and how it is addressed. These are also likely to vary at different stages of each justice chain, and in turn will affect how victims use the mechanisms available to them or are affected by them. For this reason, we propose that political economy analysis (PEA) methods inform the approach to understanding the problem of VAW and what women affected by it can do at the different stages of each of the justice chains.

4   Problem focused approaches to VAW in FCAS: The merits of political-economy analysis

PEA in recent years has surfaced in the policy literature in relation to different development and governance problems, aimed at gaining a better understanding of the problem at hand in order to identify potential entry points for more effective donor and government engagement.[3] In broad terms, PEA studies the interaction of political and economic processes in society – namely the rules of the game, the incentive and interest structures of relevant actors, the belief systems and ideas that shape their behaviour and how power is distributed between these. Variably so, it also takes account of historical and structural legacies within which these process are located. Through this analysis it is possible to ascertain the processes that both sustain and transform relationships and processes over time, and in relation to specific social, political or economic phenomena/problems (Collinson 2003).

A merit of PEA lies in its ability to capture the interplay between structure and agency, and how changes and alterations in one can lead to change in the other. This intersection is where entry points for reform efforts or institutional and attitudinal transformation might be identified. This can include identifying strategic alliances and reform champions to be supported, windows of opportunity for institutional change that can shift incentive structures and redefine the options available to women, or space for dialogue and awareness raising among different stakeholders who may otherwise not easily meet.

Sieder and Sierra's (2010) exploration of innovative ways of working to transform gendered power relations through strategic support to women's leadership roles at the community level, and working with community authorities to change community norms on VAW, demonstrates the potential value of PEA-like approaches.[4] Their study identifies possibilities for transformative change by supporting women at the community level to contest patriarchial power structures, including by invoking national and international norms when these are helpful, but also working through community norms to change these. Their analysis points to the need to work with political realities – including the mindsets of community leaders and men – to alter these and encourage buy-in for new norms that change how VAW is perceived and penalised.

Problem-focused PEA allows for multidimensionality to be factored in, as most governance and development problems reflect complex relationships between rules (including social norms), belief systems and dominant ideas, resources and capabilities, incentives, and power relations that shape particular outcomes – in this case VAW – and persistent patterns of impunity associated with it.[5] Holmes and Jones (2013) also highlight the value of PEA being informed by gender analysis, which is especially relevant to identifying the impact of gender relations and associated socio-cultural norms and beliefs that shape how VAW is perceived by different social actors, the place it holds in both the public and private spheres and the constraints on women's agency that the particular features of gender relations bring. This gender analysis component helps to pinpoint and explain the context-specific choices that are available to women in practice in deciding how to act upon the experience of VAW, and where international efforts might be targeted to realistically and effectively improve the mechanisms of protection and redress.

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3 See Hudson and Leftwich (2011), Harris et al. (2011) for good reviews of the emerging use of PEA in development work. See also Fritz et al. (2009) for a particular approach to problem-driven PEA.

4 The cases studied by Sieder and Sierra (2010) reflect innovative ways of working strategically at the community level in Guatemala and Ecuador.

5 See Domingo and Denney (2013), which develops a PEA approach to observe the justice and security chain in relation to the problem of pre-trial detention. Here we draw on some of this work to apply it to the 'problem' of VAW.

Importantly, our research has found that while a PEA of the general problem of VAW is helpful in generating a deep and politically nuanced understanding of the nature of the problem that can usefully inform programming approaches, this is not sufficient for identifying specific directions or opportunities for programmes to take. Thus, in addition to developing a deep understanding of the problem of VAW, we suggest, more concretely, that following this it is important to disaggregate the political economy dynamics at the *different stages of and across the justice chains*. Each stage of the justice chains involves potentially different sets of actors, capabilities, and incentive structures, with variations in the power relations that need to be addressed. Throughout this analysis it is also important not to lose sight of the fact that the chains are themselves interconnected, and that the justice system is embedded in a wider socio-political and cultural context, the dynamics of which need to be factored into analysis.

Essentially, this use of PEA along the justice chain can contribute to identifying realistic and contextually grounded opportunities for engagement that are either more actor-centred (working with relevant stakeholders, coalitions of change, and champions of reform, as well as affected women), or rules-centred (working on how to effect change in the formal and informal institutions, and the wider social norms that shape attitudes towards VAW and how to address it). In considering and working with both spheres it is possible to facilitate change in specific incentive structures, belief systems and forms of conduct, because change in one sphere affects change in the other. If this is disaggregated at the different stages of the justice chains – and their intersections – it will be possible to track processes of iterative change, including in the balance of power between relevant stakeholders, as well as specific ongoing blockages and sources of socio-political resistance. These may require particular attention, or the development of strategies to work around them in the short term as other processes of reform and/or actor centred-change are addressed.

Thus, using PEA to address VAW along the different stages of the justice chains can allow, first, for a closer understanding of the particular physiognomy of the features and drivers of the VAW; and second, for an identification of concrete opportunities for context-relevant international engagement at the different stages of the four chains we have identified.

5   Recommendations

We have developed our particular approach to understanding the nature of the protection and redress options in the justice chain available to victims of VAW in FCAS through adapting PEA and justice chain frameworks, as well as drawing upon relevant gender analysis. We would encourage further contributions to this discussion through additional case study analysis of both the specific features of VAW and the nature and dynamics of justice chains to help test and improve the framework. These evolving discussions can then assist researchers and practitioners in identifying key entry points and opportunities for change (whether internationally funded or domestically driven) that can help to protect and offer redress and justice to women.

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