

A close-up photograph of a woman with dark hair and brown eyes, wearing a green headscarf and an orange shawl, speaking into a white megaphone. She is looking slightly to her left. In the background, another woman wearing a blue headscarf and glasses is visible. The scene suggests a protest or public demonstration.

GENDER RESPONSIVE CEASEFIRES AND CEASEFIRE AGREEMENTS

Brief I



Afghanistan, April, 2021

Afghanistan Independent Human Rights Commission (AIHRC) is a national human rights institution working on protecting and promoting human rights. The institution was established following the Bonn Agreement and a Presidential Decree. Afterwards, pursuant to Article 58 of the Afghan Constitution, it found a legal base to monitor the observance of human rights as well as to protect and promote human rights in the country, “Every individual shall complain to this Commission about the violation of personal human rights. The Commission shall refer human rights violations of individuals to legal authorities and assist them in defending their rights” (Afghan Constitution (I382), Article 58).

UN Women is the UN organization dedicated to gender equality and the empowerment of women. A global champion for women and girls, UN Women was established to accelerate progress on meeting their needs worldwide.

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Executive Summary

Globally, women have long been at the frontlines of conflict and crisis, often leading and participating in negotiations with parties in conflict to arrive at truce and ceasefire modalities. Yet often, women's expertise and priorities are excluded from formal ceasefire agreements and monitoring mechanisms. This exclusion is informed by the assumption that discussion on ceasefire requires technical knowledge on military skills, which tends to bring women in, at later stages of the peace process.

In Afghanistan, women have led robust campaigns demanding ceasefires. As recently as January 2021, approximately 700 women in Kabul and 70-100 women from across 33 provinces of Afghanistan came together to launch a campaign (#CeasefireforPeace) calling for an immediate ceasefire. Afghan women have also launched an online petition 'Afghanistan - Protect Women's Rights & Demand Ceasefire' calling for an immediate and complete ceasefire as a condition to continuing peace talks.

This brief reiterates that gender provisions in ceasefire negotiations remains imperative to achieving a sustainable and inclusive peace. It includes nine recommended entry points for ensuring gender-responsive provisions in ceasefire negotiations:

1. Conflict related sexual and gender-based violence and gender targeted attacks on civilians must be explicitly mentioned as a form of violence and included on the ceasefire violations list and an item to be monitored.
2. Concerns around personal safety should be addressed as soon as possible, including in ceasefire negotiations.
3. Avoid "creative ambiguity" or weak language on violence which particularly affects women and ensure clarity on consequences for non-compliance of such violence.
4. Protection modalities based on humanitarian principles, international laws and domestic laws that apply to women must be referenced to provide two-tiered protection to women as both civilians and women.
5. In provision of unhindered and safe humanitarian access, apply an intersectional approach that considers the varying needs of women, girls, boys and men.
6. Security arrangements that include codes of conduct for security actors must prohibit conflict related sexual violence and other forms of violence against women, and punish misconduct.
7. Where possible, a quota (minimum 30 percent), for the inclusion of women in future agreements and committees designed to implement and monitor the ceasefire and peace process.
8. Include the beginnings of arrangements for victims' centered justice, particularly through securing some early commitments to accountability.
9. Establish formal processes or consultative forums that feed directly into the negotiation process. These consultations could enable women from diverse backgrounds to share topics, inform the agenda and establish joint positions.

This sustaining peace brief on “Gender Responsive Ceasefires and Ceasefire Agreements”, produced jointly by AIHRC and UN Women, is part of a series of thematic briefs that apply international frameworks and global good practices to Afghanistan’s context. They aim to provide strategic guidance to the Negotiating Team and other stakeholders on how to advocate for the inclusion of gender responsive provisions in any peace agreement. The recommendations in the briefs also align with the priorities and advocacy messages of women civil society networks as they demand a greater role and participation in the peace process, including implementation and oversight mechanisms.

I. Gender-responsive provisions in ceasefires: An overlooked aspect of peace processes

Women have long been at the forefront of responding to conflict and crisis. Yet, ceasefire agreements and monitoring mechanisms have rarely taken into account the gendered dimensions of war and peace. Between 1990 and 2016, just 29 out of 267 ceasefire agreements signed included gender equality provisions. And only six signed before the year 2000 reference gender (Forster and Bell, 2019: 5). In fact, the inclusion of gender equality provisions in ceasefire agreements is estimated to be approximately half (11 percent) the rate of inclusion in other components of peace agreements, including partial, comprehensive and implementation agreements (21 percent) (*Ibid.*).

One common explanation for this persistent exclusion, which is not accepted in this brief, is that ceasefires require technical knowledge of military operations and equipment that purportedly, only armed factions are likely to possess (Barsa, Holt-Ivry and Muehlenbeck, 2016). Consequently, mediators tend to relegate women to later stages of a peace process. But evidence indicates that women peacemakers have initiated local truces and ceasefire agreements in many conflicts. For instance, with respect to a call for a robust ceasefire in Afghanistan—already a stated priority of the Afghan government—3,000 women from around the country expressed their demands for a ‘quick ceasefire’ in early 2019, at the National Women’s Consensus for Peace an inclusive ceasefire agreement is at the foundation of an achievable and sustainable peace for all that also safeguards the rights and safety of women, as well as those of religious and ethnic minorities. more recently as in January 2021, approximately 700 women in Kabul and 70-100 women from across 33 provinces of Afghanistan came together to launch a campaign (#CeasefireforPeace) calling for an immediate ceasefire. Afghan women have also launched an online petition ‘Afghanistan - Protect Women’s Rights & Demand Ceasefire’ calling for an immediate and complete ceasefire as condition to continuing peace talks.¹

To this end, the United Nations Security Council Resolution (UNSCR) 1325 of 2000, along with the nine subsequent UNSCRs that followed relating to the Women, Peace and Security (WPS) provides an international standard, though non-binding, by which the role of women in peace-building and the gender dimensions of peace processes and conflict resolution are recognized. It affirms that peace and security efforts are sustainable only when women are equal partners and actors in the entire peace cycle, from the prevention of violent conflict, to its resolution. However, integrating this agenda into the country-specific work of the Council has proven challenging, particularly in Afghanistan.

the UN Security Council resolution 2543 (2020) has emphasised gender equality and women’s participation at all stages of decision making including in peace talks Therefore, the impending intra-Afghan peace talks provides a valuable entry point for women to demand a greater role in ensuring their views and concerns are reflected in the negotiation process. The remainder of this brief will turn first to discussing the purpose and importance of a ceasefire agreement, including on

BOX I.

Questions addressed in this brief

- Why does gender matter in peace processes, particularly in ceasefire agreements?
- Why is it important to include women in ceasefire negotiations?
- How can women participate meaningfully in ceasefire negotiations and processes—that is, what are potential strategies for ensuring gender-responsive provisions in ceasefire negotiations?

¹<https://www.change.org/p/government-of-afghanistan-afghanistan-protect-women-s-rights-demand-ceasefire-656cfdf5f-2235-4d4c-9a7b-caf83ca919a4>

the urgency for negotiating a ceasefire in Afghanistan. It will then make a case for gender-responsive ceasefire agreements before reviewing relevant examples from around the world where women have participated in ceasefire negotiations. Finally, it will provide some recommendations to facilitate more meaningful participation by women in ceasefire negotiations, and monitoring and implementation modalities. The brief begins from the premise that it is possible to exploit entry-points, power limited, that can facilitate greater inclusion and catalyze a gender-responsive perspective within a ceasefire negotiation and ultimately the peace process in Afghanistan. It argues that in a context where conflict recidivism remains high around the world,² the inclusion of women in peace processes, and ceasefires negotiations in particular, may result in the long-term sustainability of the agreement—and of peace itself.

2. Stemming the tide of death and destruction in Afghanistan: The urgency of a ceasefire

Women in Afghanistan have suffered in multiple ways during Afghanistan's 40 years of war and are also on the forefront of demanding peace and equality in the years since the fall of the Taliban government. For instance, from 1 January to 31 December 2019, UNAMA documented 1,202 women casualties (345 killed and 857 injured), a four percent increase over 2018. Meanwhile, in 2020, while there was an overall decrease in casualties—1,146 in total with 390 killed and 756 injured, there was a rise in the number of women killed. The year 2020 marked the highest number of women killed since UNAMA began systematic documentation in 2009, with the number showing a 13 percent increase in 2020 (UNAMA and OHCHR, 2021: 13). Women and children together comprised 43 percent of all civilian casualties (*Ibid.*). In terms of women civilian casualties, according to the AIHRC report (2020), the total number of women civilian casualties in 2020 in Afghanistan is 847, of which 330 were killed and 517 are injured. The civilian casualties report by AIHRC shows that in every 24 hours in 2020, on average, eight civilians were killed and 15 injured.(AIHRC,2021 :1)

In terms of total deaths recorded, from 1 January to 31 December 2020, UNAMA documented 8,820 civilian casualties (3,035 killed and 5,785 injured) (UNAMA and OHCHR, 2021: 11). This figure represents a 15 percent reduction in civilian casualties compared to the number of civilian casualties recorded in 2019 and the lowest number of civilian casualties since 2013. Despite a reduction in civilian casualties in the first three quarters of 2020, attributed to fewer civilian casualties from suicide attacks by anti-government elements (AGE) and a steep drop in airstrikes by international military forces since March 2020 (UNAMA 2020), UNAMA documented an increase in the number of civilian casualties in the fourth quarter of 2020, as compared to the prior quarter. AIHRC findings indicate that civil servants, journalists, civil society activists, religious scholars, influential figures, members of the National Assembly, and human rights defenders have been the most common target for these targeted attacks, account for 26 percent of all civilian casualties in 2020.(AIHRC,2021 :1). There was also a marked 45 percent increase in civilian casualties compared to the same period in 2019, particularly from the use of improvised explosive devices (IEDs) and targeted killings (UNAMA and OHCHR, 2021: 11). The uptick of violence in the last quarter of 2020 is of particular concern as this occurred after the formal commencement of the Afghanistan Peace Negotiations on 12 September 2020 (*Ibid.*) The months following the start of the peace negotiations also saw an increase in targeted attacks against human rights defenders, journalists and media workers, with the situation of women human rights defenders and journalists being of particular concern. (UNAMA 2021:8)

²States that emerge from conflict have a high recidivism rate: in the 2000s, it was estimated that 90 percent of conflicts occurred in countries already previously afflicted by war (World Bank, 2011: 2-3).

Significantly, Afghanistan has had some brief experience of a truce or ceasefire in recent years. Coinciding with Eid in both 2018 and 2020, the Taliban agreed to a three-day ceasefire. In 2018, they stopped all offensive operations during the holiday, except against foreign forces. While no reason was given for agreeing to the truce, the Taliban appeared to consider releasing prisoners of war at that time, as long as they did not return to fight against them. This became a key moment in galvanizing the peace process, with reports emerging of Taliban fighters and members of the government's security forces hugging each other and posing for photographs. Similarly, in 2020, the Taliban announced a ceasefire³ with the Afghan government that took effect when the festival of Eid al-Fitr began. It again raised hopes of a longer-term reduction in violence in the country. In response, President Ghani announced that the release of Taliban prisoners would be accelerated and "serious measures" would be taken (BBC News, 2020). In fact, these moments demonstrated significant windows of hope for local Afghans and may have hinted that some rank and file Taliban fighters may have tired of fighting. The Taliban leadership however, was reported to be wary of their image and ordered their fighters to not be seen affiliating with local Afghans. However, these initial reports indicate that a potential future political settlement that provides soldiers an alternative source of income and livelihood during a truce could make some progress towards an eventual peace deal.

Elsewhere in March of 2020, the UN Secretary-General, António Guterres also issued an urgent appeal for a global ceasefire to allow the world to focus entirely on ending the COVID-19 pandemic (United Nations, 2020a). He repeated the call at the start of the 75th UN General Assembly session in September. This was followed by an urgent joint communication by the UN High Commissioner for Human Rights, Michelle Bachelet, and the UN High Commissioner for Refugees, Filippo Grandi, who underlined the urgency of a sustained ceasefire and immediate commitment to protect civilians from harm during the Afghanistan 2020 Conference, co-hosted by the Governments of Afghanistan and Finland with the United Nations, on 23 and 24 November 2020 (UN News, 2020; United Nations 2020b).

3. What is a ceasefire agreement and why is it important?

All peace agreements must address the question of the cessation of violence. In most cases, this is done through a ceasefire of some form (Chouinet-Cambas, 2016).⁴ The common wisdom is that in typical cases, conflicting parties will seek to put in place mechanisms to stop the violence and prevent its resurgence through some sort of negotiated, binding agreement. It contains specific instructions—military and tactical—as well as timelines for putting an end to violence. Ideally, these mechanisms will have international support in terms of political backing and leverage, as well as financial and technical assistance, with an aim towards supporting the former warring parties to put in motion the processes necessary to achieve sustainable peace.

The scope of a ceasefire: While ceasefire agreements are context and conflict specific, they often contain three sets of provisions: a) security provisions directed at armed actors, which includes the prohibition of military activities including actions taken for the purpose of strategic or military gain; b) humanitarian guidelines that include the prohibition of human rights violations (including sexual

³Ceasefire is used here as a broad term and in this context can be understood more specifically as a call for cessation of hostilities, where the party/parties decide to suspend hostilities as an informal arrangement that does not include any formal monitoring mechanism.

⁴Note that while ceasefire agreements constitute the norm, there have been some exceptions to the rule, where they have not been utilized: for example, the Memorandum of Understanding signed between the Government of Indonesia and the Free Aceh Movement (GAM) in 2005.

and gender-based violence and conflict related sexual violence); humanitarian access rules; human rights guarantees, a prisoner release agreement (if applicable) and rules for the evacuation of wounded persons and civilians; and c) mechanisms for mitigating an escalation of conflict or implementation provisions that establish monitoring and verification or implementation committees, dispute resolution or communications mechanisms, peace keeping mission modalities and an embargo on hostile media and statements (Forster, 2019; Forster and Bell, 2019). In sum, traditional ceasefire agreements create space for humanitarian access and define the rules and modalities for warring parties to stop fighting, whilst also providing a window of opportunity to reframe conflict dynamics and create the conditions to begin broader peace processes (DPPA and UN Women, 2020).

Breadth of ceasefire agreements: The comprehensiveness and breadth of ceasefire agreements vary from context to context, and also with the level at which they are agreed—i.e. local, national or international.. However, local ceasefire agreements also tend to include more limited items, such as the opening of specific roads, mutual prisoner release, access to a humanitarian corridor, the handover of checkpoints and/or the formation of specific commissions. Nationwide or general ceasefires provide for issues that are likely to influence later agreements, including more wide-ranging plans for disarmament, demobilization and reintegration (DDR), security sector reform and human rights provisions (Forster and Bell, 2019). In fact, comprehensive ceasefires can heavily influence, in some cases determine, which actors will subsequently be invited to the peace table and which issues appear on the agenda of those talks (Barsa, Holt-Ivry and Muehlenbeck, 2016). Despite these differences in range and depth, some analysts have argued that more informal and domestic peacemaking outperform formal and external approaches in ending and managing conflicts (Karakus and Svensson, 2017).

The sequencing of a ceasefire: Ceasefire arrangements can take place at any point in the overall process towards peace. They can be initiated early in the process to create a framework within which warring parties engage in constructive dialogue or they can be implemented at later stages in a peace process, as part of an overall settlement of the conflict. In the first scenario, they serve as signals of good intent and commitment, a safe space for political talks and a testing ground on which to determine whether mutual interest and further scope exists for negotiation. In these cases, they are trust-building mechanisms, thus any escalation of conflict during the course of negotiation can harden resolve among delegates and potentially end talks. For example, the second round of Yemen's peace talks in December 2015 came to a halt following an escalation in fighting and casualties. In the case of ceasefires that occur at a later stage of peace negotiations, the issues at stake have already been discussed and settled. Because of the continued sense of urgency involved in stopping conflict, they may also be less restrictive in nature in terms of breadth and scope (Barsa, Holt-Ivry and Muehlenbeck, 2016). While preliminary ceasefire modalities are being informally discussed in Afghanistan, it may be premature to expect a comprehensive ceasefire at the beginning of the process, with a political settlement coming later. Therefore, the working assumption in the remainder of this brief is that while a ceasefire negotiation may already have begun, a peace negotiation that includes a wider ranging political settlement may also occur in tandem. Therefore some of the recommendations may apply to both ceasefires and the wider peace process in general.

4. Reasons for including gender provisions in ceasefire agreements

Despite the variant approaches to halting fighting, states that emerge from conflict have a high recidivism

rate: in the 2000s, it was estimated that 90 percent of conflicts occurred in countries already previously afflicted by war (World Bank, 2011: 2-3). In a separate study by the Uppsala Conflict Data Program (UCDP), it was found that 60 percent of all conflicts recur, with post-conflict peace lasting on average, for only seven years (Gates, Nygård and Trappeniers, 2016). This pattern is only deepening. As a result, there is a profound need to explore, understand and implement more inclusive approaches to resolving conflict and sustaining peace. One of these approaches—backed by overwhelming anecdotal and quantitative evidence⁵ (see for example, Hudson et al. 2012)—is involving more women and civil society members in peace processes—including ceasefire negotiations. In fact, on the 20th anniversary of the anniversary of UNSCR 1325 (2000), the peace process in Afghanistan provides a critical opening for the international community to refocus efforts on more inclusive possibilities, as well as “to shift existing dynamics and drive conflict actors to talks” (United Nations 2020d: 4).

From the above evidence of women’s advocacy in Afghanistan as well as the brief outline of the specific provisions and prohibitions that are included in traditional ceasefire agreements, it is apparent that gender inclusion in ceasefires is vital for six key reasons (Forster and Bell, 2019):

- 1. Ensure that the gendered-dimensions of conflict are addressed:** Gender-specific provisions are vital to ensuring that an agreement acknowledges the different ways in which men and women experience violence and ensure appropriate, gender-responsive protection when dealing with issues such as displacement, SGBV and disarmament, demobilization and reintegration (DDR).
- 2. Specifically prohibit gender-based violence as part of ceasefire terms:** The inclusion of conflict related sexual & gender based violence as ceasefire violation is an important opportunity to ensure that it is prohibited and such incidents are recorded as part of ceasefire monitoring mechanisms. It also sets in motion processes to train monitors to address this type of violence in a more sensitive manner.
- 3. Take advantage of women’s expertise, access and knowledge in humanitarian action:** As ceasefires usually address humanitarian concerns in addition to security issues, women have specific experiences and expertise that lead to better provision and targeting of humanitarian relief.
- 4. Add credibility to the process:** As mentioned above, the inclusion of women can legitimize talks, aid implementation of provisions and contribute to the future sustainability of the peace process.
- 5. Set in place the logic of inclusion for future negotiations:** Ensuring gender-responsive ceasefire negotiations is a first step in ensuring and establishing a principle of inclusion for future talks and highlights the relevance of women’s expertise. It can ensure that issues that have particular relevance for women are not dropped as part of the agenda early on in the process.
- 6. Ensure that a gender perspective is included in any future negotiation agenda:** Ceasefire agreements can shape future political frameworks and agendas and have relevant linkages to a political settlement. Thus ensuring gender provisions are considered at an early stage, though not a guarantee for further engagement at a later stage can be one step towards ensuring a more inclusive peace settlement.

⁵For instance, research shows that when women participate in peace negotiations, the resulting agreements are 35 percent more likely to last at least 15 years (Holt-Irvy, Muehlenbeck and Barsa, 2017).

5. Recommendations for inclusive ceasefire negotiations and agreements⁶

The analysis of ceasefire negotiation processes in different contexts⁷ demonstrated how ceasefire talks are often opaque and exclusionary, raising hurdles in the process for gender inclusion and women's meaningful participation. Yet, ceasefire negotiations have an influential effect on both subsequent stages of the peace process and the shaping of key agenda items for formal negotiations. Consequently, it is necessary to increase the quality and quantity of ceasefire negotiations, agreements and monitoring processes with gender inclusive measures, as well as increased participation of women in such processes and mechanisms. With respect to the Afghan peace talks, it is vital that negotiators consider the following gender-responsive measures during and after ceasefire negotiations have commenced (United Nations, 2012).⁸

5.1. Negotiation entry points during the ceasefire negotiation

Ceasefire negotiations provide an opportunity for women to bring documentation or analysis of patterns of violence or insecurity, or even experiences of conflict, experienced by women to the table. Lessons learned from previous experiences with strengthening women's roles and priorities within ceasefire negotiation from other contexts (see Annex 2), along with an analysis of the Afghan situation, suggests the following are vital for inclusion in the text and language of a formal ceasefire:

- Sexual and Gender-based violence (SGBV) must be explicitly mentioned as a form of violence and included on the ceasefire violation list and as an item to be monitored. It is vital that provisions prohibiting conflict related sexual and gender based violence and promoting command responsibility

BOX 2.

Listing of types of violence against the civilian population that explicitly mentions sexual violence

The FNL/Burundi, Ceasefire Agreement between the Government of the Republic of Burundi and the Palipehutu, 7 September 2006, states:

Article II:

I. Ceasefire Agreement shall imply:

I.I.5 Cessation of all acts of violence against the civilian population: acts of vengeance; summary executions; torture; harassment; detention and persecution of civilians on the basis of ethnic origin; religious beliefs; and or political affiliation; arming of civilians; use of child soldiers; sexual violence; sponsoring or promotion of terrorist or genocide "ideologies".

Source: Pospisil and Bell, 2018

⁶Note recommendations that are listed have been taken from various sources, including: Barsa, Holt-Ivry and Muehlenbeck, 2016; Bell, 2013; Forster and Bell, 2019; ICAN, 2019; Pospisil and Bell, 2018 United Nations, 2012. Analysis of examples of ceasefires negotiated in other contexts (provided in Annex 2) have also informed the analysis.

⁷See Annex 2 for a discussion on the key lessons learned from ceasefire negotiations in the Democratic Republic of Congo (1999-2003), Myanmar (2015) and South Sudan (2014-2015).

⁸While it is important to begin advocacy around gender issues even before the initialization of formal ceasefire negotiations, it is outside the remit of this brief to discuss these at length as negotiations in Afghanistan have already begun. However, an overview of potential advocacy activities that women have already undertaken in Afghanistan and can theoretically pursue in the lead up to all ceasefire agreements is provided in Annex I.

are included as a minimum in the text of a gender-responsive ceasefire (see Box 2). Jenkins and Goetz (2010) have noted that not including such a clear prohibition could result in SGBV not being monitored and documented, undermining the legitimacy of the process, as well as post-agreement reconstruction within the country. Failure to address SGBV has grave consequences, including reinforcing the impunity of perpetrators, hindering economic recovery, particularly agricultural and market activity that women are most engaged in as a result of not providing women adequate guarantees of personal safety. It also leaves new institutions weak as they are increasingly unable to address the social instability caused by sexual violence. The UN Department of Political and Peacebuilding Affairs has further provided guidance on the inclusion of SGBV in ceasefire agreements (United Nations, 2012).

- Concerns around personal safety should also be addressed as soon as possible, including in ceasefire negotiations. Some documentation already exists such as the Conflict-Mapping Report of 2012 conducted by the Afghanistan Independent Human Rights Commission (AIHRC). The goal is to try to change the language around security issues to include the question of not only ‘how to resolve issues between the Government and the Taliban’ but also the question of ‘how to keep all people, including women, safe’ (Pospisil and Bell, 2018) and how these need to be addressed in some way as part of the eventual peace process. For example the safety of access routes to healthcare, water and food supplies and schooling are important concerns in this regard. Finally, domestic abuse patterns that emerge from the aftermath of conflict could also be highlighted as both a form of SGBV and an issue for community-reintegration programmes to address. (see Box 3).

BOX 3.

Protection of personal safety should be a priority

In Colombia's Final Agreement to End the Armed conflict and Build a Stable and Lasting Peace, 24 November 2016, Article 3.4.I. (guiding principles) stipulates:

Gender-based approach: special emphasis will be placed on the protection of women, children and adolescents, who have been affected by the criminal organizations that are the subject of this agreement. This approach will take account of the specific risks faced by women against their life, freedom, integrity and safety and will be appropriate for those risks.

Source: Pospisil and Bell, 2018

- Clear language relating to violence that particularly affects women and consequences for non-compliance: It is important to avoid “creative ambiguity” or weak language that relates to women, women’s rights and violations against women. (see Box 4) . For example, “the parties shall refrain from violence against women” is weak language. Moreover, potentially vague references to respecting women’s rights “according to Islamic principles” without a strict definition of what exactly these entail, how they apply to men, women, boys and girls and the consequences for noncompliance, should be discouraged as these could provide a loophole for signing parties to degrade women’s and girl’s rights (Monash University, 2020).
- Protection modalities based on humanitarian principles, international law and domestic laws

that apply to women. This could include references to the corpus of international humanitarian law, treaties and UN resolutions focused on gender equality (such as the Convention on the Elimination of All Forms of Discrimination Against Women, particularly general Recommendation no. 30, and UNSCR 1325) to provide two-tiered protection to women as both civilians and women. In the Afghan context, it would also be useful to include references to important domestic legislation that already exists criminalizing violence against women, such as the Elimination of Violence Against Women Law, 2009 which identifies 22 specific forms of violent acts against women. Further, the Afghanistan Penal Code of 2008 incorporates Afghanistan's substantive treaty obligations under the Rome Statute of the International Criminal Court (war crimes, crimes against humanity, genocide and aggression and command responsibility as a mode of liability) bringing the jurisprudence of International Criminal Code on CRSV into Afghanistan's criminal realm.

- Provisions for unhindered and safe humanitarian access that considers the varying needs of women, men, girls and boys using an intersectional approach (i.e. ideally accounting for age, ethnic or regional identity, disability, etc.).
- Provisions for security arrangements that include codes of conduct for security actors, that prohibit CRSV and other forms of violence against women and punish misconduct. This is an important entry-point for women because it raises questions around civilian oversight, the participation of women in the actual security apparatus (including democratic oversight bodies) and the safeguards that are in place to ensure security provisions address women's concerns (Proposil and Bell, 2018).
- The beginnings of arrangements for victims' centered justice, particularly through securing some early commitments to accountability. This could include some initial consensus over particular issues, examples of mass violations of rights or events that require investigation, review or disclosure).
- The establishment of formal processes or consultative forums that feed into the negotiation process. These consultations could enable women from diverse backgrounds to share topics and

BOX 4.

The importance of clear and strong language relating to SGBV and repercussions for non-compliance.

Several ceasefire negotiations have been hampered by weak language relating to sexual violence. For instance, the 12-page Nationwide Ceasefire Agreement (NCA) in Myanmar categorized sexual violence under the clause on protection of civilians and referred to it as something to be "avoided." SGBV was not explicitly included as a violation of the accord, which in turn meant that no mechanism was prescribed to monitor or verify incidences of SGBV. This duty ultimately fell to joint monitoring teams comprised of government, the military and ethnic armed group (EAO) actors, with little space for civilians. Similarly, the initial Cessation of Hostilities (CoH) agreement signed in South Sudan couched the prohibition of sexual violence in weak language ("The Parties shall refrain from acts of rape") and stopped short of declaring documented acts of sexual violations would be considered violations of the CoH.

Source: Barsa, Holt-Ivry and Muehlenbeck, 2016

experiences, present demands, and propose agenda items. They may also be able to establish joint positions, in order to increase their influence in the overall peace process—whether this occurs during the ceasefire negotiation or parallel (or later) stages of the peace process (see Box 5).

- Where possible, a quota (minimum 30 percent), for the inclusion of women in future agreements and committees designed to implement and monitor the ceasefire and peace process. These committees should include the civil society organizations.

5.2. Women's engagement in the monitoring arrangements after the signing of a ceasefire agreement

Any ceasefire agreement must also ensure robust monitoring arrangements, including civilian ceasefire monitoring and violence prevention initiatives. Implementation, monitoring and verification committees are typically included as part of ceasefire agreements. These generally have proportional representatives of each (formerly) warring party and can also include gender-specific provisions. Because these bodies have wide-ranging powers, providing for women's meaningful participation here can broaden participation in what is otherwise perceived as exclusive 'military' processes. Therefore:

- Provisions must be made to ensure women's continued involvement in monitoring the ceasefire agreement, particularly at the local level, in order to prevent a relapse into conflict. This translates into including women in technical teams and committees assigned with the task of setting priorities for the peace process, reconciling conflicts and influencing others to abide by the terms of the ceasefire. Women must also be included in relevant bodies that document and investigate human rights violations, including sexual violence and de-escalation measures to prevent future violence, including in the relevant annexes.
- Provisions for a specific number or percentage of women's seats—with the use of the term

BOX 5.

Example of a consultation: Kenya's peace negotiation, 2008-2013

During the peace negotiations in Kenya, women participated through formal and informal consultations. The Kenya Women's Consultative Group collected and brought together the voices of local women's organization to powerfully channel their principal demand—investigation of gender-based violence—into the negotiation agenda through a media outreach strategy and the support of a strong female mediator, Graça Machel.

Source: Kamminga, Boswinkel and Göth, 2020.

BOX 6.

Box 6: What is a gender edit?

In the Myanmar peace process, the Alliance for Gender Inclusion in the Peace Process (AGIPP) undertook a feminist critique or 'gender edit' of the Nationwide Ceasefire Agreement (NCA) in an effort to show the strengths and limitations of the negotiated document. This is first time in the world this has been done and demonstrated the ways in which women and their agendas for change had not adequately been included in the negotiation process. It identified ways in which women's participation and gender-related concerns could be better prioritized and implemented.

Source: AGIPP, 2018.

‘minimum’—on the monitoring bodies is the clearest first step to building a culture and process of women’s and civil society participation in monitoring activities.

- Women’s groups could further consider doing a ‘gender edit’ or a feminist critique (see Box 6) of the ceasefire agreement in order to highlight a) where gender provisions were included in the agreement and b) where important opportunities may have been missed. This could be publicized in order to retain international pressure on the peace processes to be inclusive of women’s voices, experiences and needs.

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Annex I. The importance of leveraging women's participation at the pre-negotiation stage

Activities prior to the negotiation of a ceasefire should set the stage for women's participation in the entire peace process and build confidence amongst and between negotiators. Yet, it is usually at this stage that processes are not inclusive of all parties to the conflict. In order to get everyone to the negotiating table, agreement must usually be made on issues such as the return of prisoners (as was the case with Afghanistan) or safeguards for the protection of those in exile. These agreements can range from mechanisms such as amnesties for negotiators, temporary ceasefire agreements, human rights protections and the monitoring of violations. These specific arrangements also begin to set the agenda for talks as the parties begin to decipher their negotiation positions. Therefore, this is the opportune moment to create space for the mobilization of women's organization and networks Influencing pre-negotiation activities can result in shaping the agenda for the substantive talks to follow and future governance structures (Bell, 2013). Some of the ways to strengthen gender-responsive ceasefire is by:

- Raising the gender dimension of peace processes ahead of talks in various informal and formal pre-negotiation meetings and amplify this principle of women meaningful engagement across range if fora (government, media, international conferences, etc.) so negotiating parties commit to the issue of protecting women's rights from the outset. In Afghanistan, for example, women's groups such as Our Voices, Our Future, the Afghan Women's Network and Together Stronger, have written to global leaders, including leaders in Germany, Indonesia, Norway, Qatar, the United States and Uzbekistan, urging them for support for an inclusive peace process that can protect the fundamental human rights of all Afghans, whilst drawing attention to women's rights, their political participation and demilitarization. While this has sometimes prompted critics, particularly from the Taliban, to charge than an insistence on women's rights is an elitist or foreign concept, this precept has been refuted by the overwhelming, nationwide responses of both rural and urban women, through provincial-level peace councils and in local dialogues on the country's needs during a peace accord (Ahmadi and Parkes, 2020).
- Ensuring broad-based and equal inclusion of local women peacebuilders and leaders, including gender and inclusion experts, in dialogue and confidence-building measures, as well as in negotiation and mediation teams. For instance, in 2019, 15,000 Afghan women from across all 34 provinces participated in a peace Jirga, a traditional consultative assembly. This demonstrated form of radical inclusivity led to a strong statement from a wide cross-section of women from different parts of Afghanistan on their demands and vision for peace, which included a call for unconditional ceasefire (Ibid. Islamic Republic of Afghanistan, 2019). Prior to this, they collected signatures of more than 250,000 Afghan women and girls, from nearly every province and even isolated rural areas, calling for peace and a cease-fire as early as 2014. They presented this to the United Nations Assistance Mission in Afghanistan (UNAMA) for onward transmission to the Secretary-General (UNAMA, 2014). Thus, women not only have a vital role to play in grievance resolution and mediation, but also in the inclusion of formerly marginalized groups and building broad-based public support for peace.
- Putting pressure on policymakers, legislators, donors and third party peace brokers to adopt a quota—ideally 50 percent women—for the inclusion of women in the drafting of a ceasefire

agreement and where possible, provide negotiators with technical training.

- Encouraging the government and donors to provide funds for technical training of all negotiators, particularly security personnel involved in negotiations, with a view towards educating them about the gendered aspects of ceasefires.
- Advocating for flexible and fast tracked financial resources with donors so a wide variety of women can fully participate in the peace process at all stages.
- Documenting examples of where women have facilitated peace-making (i.e. making a deal) through engaging at the community level and with civil society. In Afghanistan for example, women have already successfully encouraged local insurgents to participate in peace talks, coordinated with the wives of insurgents to facilitate several hostage releases (Jacevic, 2014) and worked in schools and civil-society organizations to counter extremism (Rahmani, 2020).
- Conducting local consultations whenever possible with the public, particularly women, to garner gender-disaggregated data, views and experiences that take into account a wide variety of people, including women from varied backgrounds. The consultations should glean information on everything from human rights violations suffered by different categories of people to views on a range of security issues such as early warning signs of conflict, safe zones, the protection of communities and property, etc. For example, the Afghan Independent Human Rights Commission (AIHRC) has conducted in-depth, countrywide documentation of human rights violations and war crimes during the phase of conflict that occurred between 1978 and 2001, resulting in the (unpublished) Conflict-Mapping Report (2012).
- Ensuring that individuals credibly suspected of committing or being responsible for CRSV are excluded from participation in ceasefire negotiations and the peace process in general or integration into government and/or the national security system.

Annex 2. Review of evidence of women's participation and gender-related provisions in ceasefire agreements

Even the most basic ceasefire agreements have gendered implications regardless of whether women's representation and gender equality are addressed in ceasefire agreements. This can lead to terrible consequences, as was the case with Sri Lanka (see below). At the same time, even where gender provisions are included in a ceasefire agreement, this does not guarantee further engagement in later stages of the peace process (as was the case in Myanmar). Therefore, the limited examples below offer insight into how to access entry points for women's participation and inclusion gender provisions in a ceasefire and how this can potentially translate into greater engagement in future negotiations, agreements and implementation monitoring as part of the peace process.

Democratic Republic of Congo (1999-2003):

The Lusaka Ceasefire in 1999 specifically listed sexual violence as a human rights violation and therefore a ceasefire violation. Gender-related provisions featured strongly in the peace process that followed. The agreements that followed highlighted the representation of women in national institutions through 'quotas,'—set to be 30 percent women—and the creation of several institutions and government departments dedicated to women and women's rights: a Ministry of Women's and Family Affairs; equal rights to work, vote and access education; psychological rehabilitation, access to credit; the involvement of women's groups in implementation provisions; and hearings convened to hear sexual violence-related crimes in the National Truth and Reconciliation Committee.

Key takeaways: The inclusion of quotas for women's participation and specific institutions and government departments dedicated to women and women's rights is important to set the stage for continued meaningful participation of women in the peace process and future government reform initiatives.

Myanmar (2015)

From 2012 to 2015, the government signed an extensive series of bilateral ceasefire agreements with ethnic armed organisations (EAOs) with the aim of achieving a nationwide ceasefire. This culminated in eight EAOs initially signing the Nationwide Ceasefire Agreement (NCA) in October 2015; later, in 2018, two more groups signed. Despite a push to make this process inclusive, civil society actors and women were largely excluded. Ultimately only five percent of the negotiators during the two-year NCA negotiations were women. Two women served on the 15 member Senior Delegation (SD), the negotiation delegation for the EAOs. Significantly, one of the women, Naw Zipporah Sein was selected as the lead negotiator for the SD in June 2015. The other woman, Saw Mra Raza Lin was the only woman of 13 members of the previous iteration of the SD, called the Nationwide Ceasefire Coordination Team (NCCT), a body of 16 EAOs that formed a platform to collectively negotiate with the government . Both the SD and the NCCT had two women serving as formal technical advisors. On the government's official negotiation delegation, called the Union Peace Working Committee, there were two female members of parliament out of the 52 members. A third delegation—the

Union Peace Working Committee—had no women in their 11 person central committee (Buchanan and Williscroft, 2016). Ultimately women were signatories to the NCA only in small numbers: One out of 10 government signatories, one of 24 EAO signatories, two of 21 witness signatories and no international witnesses.

Ultimately, the 12-page NCA references women and/or gender in three sections: basic principles, protection of civilians and participation in political dialogue. Notably, while sexual violence is mentioned under the clause on protection of civilians, it is referred to in somewhat weak language (sexual violence is to be “avoided”) and SGBV is not explicitly included as a violation of the accord (AGIPP, 2018). There is also no mechanism to monitor or verify incidences of SGBV, with this duty falling to joint monitoring teams comprised of government, military and EAO actors, with little space for civilians. There is also no quota or target for women’s participation in the design and implementation of these state-level monitoring teams. Finally, the ceasefire agreement mentions that a “reasonable number/ratio” of women representatives would be included in the political dialogue process. However, it is unclear from the document how a ‘reasonable number’ would be determined. While discussions accounted for a 30 percent quota, this ultimately did not figure into the final language of the NCA.

The signing of the NCA triggered the beginning of a formal peace process, the Union Peace Conference (UPC), which began in early 2016. At the conclusion of the first UPC, a 30% quota was agreed to set minimum participation standards for women in future talks (*Ibid.*). Yet only two women served on the 48 member Union Peace Dialogue Joint Committee (UPDJC), the leadership body of the Union Peace Conference. Women comprised seven percent of the UPC when it first convened, though this had risen to 22 percent by July 2018 and fallen again to 17 percent by August 2020 (Council on Foreign Relations, 2020). To date the 30% quota agreed at the first UPC has not been operationalized. There is also no accountability mechanism in place for non-compliance with the quota. Moreover, the standard of 30 percent participation by women did not extend to other technical bodies, such as planning and implementation teams at the union or state level. Therefore, there were no women in the Joint Implementation Coordination group or on the Joint Ceasefire Monitoring Committee at the national level.

Key takeaways: While the text of the ceasefire agreement contains three explicitly gendered stipulations, the lack of women at the negotiation table at the early stages of the ceasefire agreement may have led to women’s limited presence in subsequent peace talks as the pattern and logic of women’s exclusion was set in this early stage. This may have had direct impacts on the quality and type of reporting collected on gender-specific violations, particularly on sexual violence. Critically, because the NCA created a foundation for political dialogue, the weak language on women’s involvement at that stage also set the stage for low numbers of women to be ultimately included in the peace process that followed the signing of the ceasefire agreement (Barsa, Holt-Ivry and Muehlenbeck, 2016). Moreover, the lack of an accountability mechanism for the initial 30% gender quota agreed for the ‘political dialogue process’ was a major oversight that served to ultimately relegate women to the sidelines in the peace process that followed.

South Sudan (2014-2015)

In January 2014, a rushed Cessation of Hostilities (CoH) agreement was signed between the government of South Sudan and the opposing Sudan People's Liberation Movement. Women's absence from meaningful participation in the negotiations had profound impacts on the structure and implementation process of the resultant agreement. The South Sudanese government delegation did not appoint any female representatives to the negotiations, although three women were included on the ten-person delegation of the opposition. The process was exclusive and the short timeline of the negotiations (five weeks) relegated civil society groups to the margins. This was despite the fact that South Sudanese women had started organizing from the earliest days of the conflict to demand an end to violence and to advocate for an inclusive process in which women and communities could invest. In the days before the signing of an agreement that would ultimately prove unsuccessful, South Sudanese women leaders in Kampala called for "immediate cessation of violence and inclusion of at least 25 percent of women in mediation and ceasefire monitoring teams" (quoted in Barsa, Holt-Ivry and Muehlenbeck, 2016).

Despite this, the language of the CoH – a seven-page document that does not comprise a comprehensive peace agreement – was not gender-sensitive or explicit about women's roles in monitoring violations. There was no mention of how women, girls, men and boys experience conflict differently and the document does not recognize the varying roles they assume. Sexual violence was explicitly prohibited, though couched in weak language ("the Parties shall refrain from acts of rape..."). However, the document stopped short of declaring documented acts of sexual violence would be considered violations of the CoH. There was also no clear definition of rape, sexual abuse/exploitation, and violence.

The CoH also established Monitoring and Verifications Mechanism (MVM) and Monitoring and Verification Teams (MVT). However, there was no language instructing gender balance or a minimum percentage of women to be included in the MVM or the MVTs. This represented a missed opportunity to mandate women's participation in these fora and ensure gender-sensitivity. In fact, the MVTs that were formed by early 2015—numbering six teams of 13 people each—were staffed almost entirely by active duty or retired military men from other nations. While some efforts were made later to hire South Sudanese community liaison officers who would be responsible for setting up local committees and women were encouraged to apply, the physical structure of the stay arrangements in tents ultimately excluded women from taking on these positions. Therefore, the MVTs neglected paying attention to issues such as the protection of civilians (particularly women) and ensuring humanitarian access, as they were more comfortable dealing with monitoring military actions. This resulted in incomplete violations assessments due to a lack of trust established with local community members and daily assaults—including SGBV—went undocumented. It was only after a South Sudanese advocacy group called Taskforce on the Engagement of Women lobbied the MVM leadership and the US government (the primary funder) to better integrate gender concerns that more women were directly hired and gender-mainstreaming within the MVTs occurred. Consequently, three women were hired to the MVM as international monitors and at least three female community liaison positions were filled. It was argued that these women had the greatest impact on building trust with the humanitarian and civilian communities (Barsa, Holt-Ivry and Muehlenbeck, 2016).

However, for the August 2015 Agreement on the Resolution of the Conflict, women's groups were present during negotiations. A woman also signed the agreement as a 'stakeholder' on behalf of the South Sudan Women's Bloc. In addition to reaffirming the creation of a Ministry for Gender, Children and Social Welfare, the 2015 agreement provided for a minimum 25 percent of female representation at Ministerial and Deputy Ministerial level in the power-sharing executive. It also set out requirements of parties to nominate specified numbers of women to Ministries. It further affirmed that the occurrence of SGBV would constitute a ceasefire violation. In addition, it provided for guaranteed women's representation in commissions related to anti-corruption, constitutional review, security, reconciliation, reparation, and economy and created a Women Enterprise Development Fund to facilitate credit to women. The agreement also prioritized social welfare delivery to women and guaranteed gender equity as a constitutional principle. Finally, it provided for women in implementation, by giving the Women's Bloc a seat on the Ceasefire and Transitional Security Arrangements Monitoring Mechanism and Strategic Defense and Security Review (Forster and Bell, 2019).

Key takeaways: An initial rushed ceasefire process that did not adequately include women or have a gender-responsive aim can derail peace efforts and harm all people, including women in the longer-term. While the initial ceasefire effort in South Sudan was deemed a failure, particularly because it did not entirely end the violence, it also set up processes—i.e. MVM and MVT teams—that ultimately resulted in the failure to report human rights violations, protect civilians (particularly women) and ensure humanitarian access. A women's advocacy organization was still able to play a role in slightly rectifying a serious oversight after a ceasefire had been signed. However ultimately, *it was only renewed negotiations with the involvement of women and women's groups that ensured more equal and gender-responsive outcomes for women.*

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