



CÔTE D'IVOIRE GENDER-BASED VIOLENCE, CONFLICTS, AND THE POLITICAL TRANSITION

A CASE STUDY REPORT

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1. INTRODUCTION



Armed conflicts are not indifferent to male and female gender considerations. The enlistment of fighters; the armed groups' composition; the repertory of perpetrated violence; the targeted populations; the individual, collective and strategic choices taken in wars; and the roles taken by or assigned to men and women during time of hostility are aspects of armed conflicts that are strongly linked to a gender perspective. Therefore, peace negotiations and conflict resolution should allow for gender considerations.

The successive phases of violence that have marked the last ten years of Côte d'Ivoire's history are not foreign to this dynamic either. Firstly, although the civil population at large was the main target of conflict factions (often because of presumed ethnic, national, religious or political affiliation), the perpetrated exactions frequently affected women, men, girls, and boys in different ways. Certain brutalities were clearly gender-based. On the one hand, men were particularly affected by lethal violence, arbitrary detention, and torture. "We are coming for the men," could sometimes be heard during an incursion by armed men. Nonetheless, sexual violation against men is rarely talked about, which has left male victims without specific attention.

On the other hand, women particularly suffered from violence in CI, either because they were its direct victims, or because they endured its consequences. Not only were they not spared from lethal violence (murder, forced disappearance), torture, and arbitrary detention, but they were also subjected to specific violence, such as sexual violence. Moreover, they suffered from the consequences of violence against their relatives and their community: widowhood (and its often harmful social consequences), internal displacement or having to flee to another country, economic losses, sole responsibility for the welfare and security of their family, the loss of a child, etc. It is necessary to add that in the majority of armed conflicts, CI not being an exception, the boundaries between political and domestic violence, public and private violence, and violence in and outside combat are easily blurred. It is often difficult to determine the impact of an armed conflict on domestic and community violence. Likewise, it is important to question the influence a patriarchal culture may have on the perpetrated atrocities.

Secondly, the forms of violence and how women and men are implicated have often been led by their traditionally assigned gender roles. Conflicts change relationships between women and men. These relationships have created and continue to create tensions. Notably, in conflict situations, the multiple roles assumed by women do not or no longer comply with the conventional social constructions of gender. Women are not only victims. They are also combatants and actively participate in hostilities. When they do not take up arms, they can maintain the conflict by encouraging men to take arms and fight. In the chaos of a conflict, women often become the corner stones of communities and take care of their families' survival. They frequently take initiatives to put an end to the conflict and to reduce its consequences.

Analysing the conflict, understanding violence, foreseeing reconciliation and reconstruction, adjusting reparation of victims of atrocities, and punishing their perpe-

trators are other themes that equally require a gender perspective. Although not everything can be explained through a gender framework, the lack of consideration of cultural, social and historical gender aspects can lead to inadequate solutions.

Peace or transition processes address issues, such as ceasefire, demobilisation, power sharing, access to resources, and security reform. These issues are often looked at from an androcentric point of view. Inequality; discrimination; physical, economic, legal or social security; relationships between poverty and violence; and long-term effects of endured violence are not often part of the agenda. On the other hand, the composition of transition entities does not necessarily guarantee women's participation, and their procedures do not reflect the specific needs of men and women. Judicial processes are equally limited to tracking the perpetrators of only certain types of violence. The types of repression perpetrated on women are often considered less important or are excluded from judicial processes undertaken during post-conflict or political regime change.

"The absence of women during peace negotiations and the lack of expertise on gender-based violence in mediation limit the success of peace processes."² On this point, the Beijing Platform for Action underlined, "*Peace is indivisible with gender equality and development*"³ and added, "*governments, inter-governmental, international and regional institutions [should] : a) promote equal women participation and equal participation possibilities to works from all authorities and to all peace activities at all levels [...]; b) integrate the men-women issue into the conflict settlement*"⁴. The United Nations Security Council (UNSC) Resolution 1325 built on these recommendations, urging member states to "ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict."⁵

Gender mainstreaming takes its definition from the Economic and Social Council (ECOSOC) of the United Nations (UN). It is considered as the evaluation of "*implications for women and men of any planned action, including legislation, policies or programs, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated.*"⁶

The study at hand emphasises the situation and needs of women and girls - historically, socially, and culturally victims of discrimination in CI - and also studies how gender issues have been integrated into negotiation processes, peace accords, and reconstruction programmes.

The text is divided into eight parts. There follows a presentation of the methodology and a brief overview of the key moments of political violence that have marked CI since 2002. These events will then be analysed from a gender perspective. The study will specifically focus on the methods currently used to gather and systematise information in CI. A fourth part will analyse comments made by the interviewed women about the

notions of reconciliation and forgiveness: What do these terms mean to them? What are they expecting from the reconciliation process in CI? What are their demands? Based on the responses, the policies and measures of the different transition processes in CI⁷ will be examined. The relationship between political violence and domestic violence has been underlined by the UNSC. This is why we are also interested in measures taken against GBV in general in CI. Conclusions and recommendations will conclude the document.

1.1. SELECTED METHODOLOGY

The report is based on an analysis of documents, reports, and articles collected in CI dealing with the country and the inclusion of gender in peace and transition processes (see indicative bibliography in Annex 3). It also builds on the information obtained through interviews conducted with a range of state, non-governmental and international entities, carried out in Abidjan and Bouaké (in the central region), and Duékoué, Man and Danané (to the west of the country) (see list of interviewees in Annex 2). The visit to the country took place between the 9th and the 21st of July 2012.

During the visit to CI, focus groups with women's organisations were organised in the neighbourhoods of Abobo and Youpongon in Abidjan, in Bouaké and Robo in the centre of the country, in Duékoué and Danane, to the west of the country (Annex 2 contains a brief description of the groups that received us). The goal was to obtain first-hand information concerning violations that affected women and girls, to collect their thoughts on measures taken to end conflicts and rebuild the country, and to hear their opinions on the meaning of reconciliation. In total, ten meetings were held, each bringing together between six and fifty women. Some meetings were multi-ethnic, while others gathered persons from the same community. The meetings brought together women from different political groups, religions present in CI (Islam, Catholicism, Protestantism, and animism), organisations, and economic situations. The participants' education levels also varied.

WANEP-CI and its partners in the field chose the places visited and organised these focus groups. The selection of locations aimed to cover different regional realities: violence marked each one of these three areas where the focus groups were held, in a specific way and at different moments of the violent skirmishes in CI. It is clear that the events following the second ballot of the presidential elections affected Abidjan and certain areas to the west of the country, while populations in Bouaké, to the north and the west of the country, suffered from the hazards posed by the division of the country between the North and the South for years. Their current reality is also very distinct. While certain normality (albeit precarious, as we will further see) seems to have settled in Abidjan, the security situation in the western region remains worrisome.

The methodology of focus groups was preferred over one of individual interviews with victims (though these were not excluded) since women in CI more easily open up within a collective framework in which they find a certain kind of reassurance. On the other hand, the team in charge of the study was not keen on hearing victim testimonies solely. Indeed, even if the hearing of survivors is essential, it is also necessary not to oblige them to endlessly repeat their often extremely painful experiences. It is even

more important considering that nothing concrete can be offered to them in return. Although our study could have benefitted from access to more details on endured violations, its aim could not justify putting these persons under such pressure. It is certain that the recourse to focus groups does not totally prevent victims from the same burdens. A certain weariness is developing in victim groups and women's organisations in certain regions from facing repeated requests to gather together and to tell their painful stories. However, women in CI need to express their grievances, to be listened to and heard, and to participate in the revival of the country. This is why they agreed to participate in these meetings. At the same time, in most of the visited places, WANEP-CI is developing specific projects for women and this initiative will in this regard ensure a certain follow-up to the meetings we organised during our visit.

Meetings with women were usually in French with translations into local languages. The attendance of WANEP-CI teams allowed translation drawbacks to be avoided; their knowledge of the different local languages guaranteeing their reliability.

It is often difficult to generalise from this type of sporadic talks. A lot of factors determine the way one presents facts or emphasises certain events or aspects rather than others. This is why the present document attempts to avoid the extrapolation of the information and is limited to the reporting of what the women we met expressed during our interviews.

2. BRIEF OVERVIEW OF THE SITUATION IN CI SINCE 2002

Since Alassane Ouattara finally took power in April 2011, CI is attempting to rebuild itself after ten years of civil war that divided the country between the North and the South. It is possible to separate two periods: 2002-2007 and 2010-2011 (post-electoral crisis). During these successive phases of violence, thousands of persons were assassinated, an undetermined number went missing and thousands of families were forced to displace themselves and find refuge in other countries⁹. Torture, rape, and other types of sexual violence, forced recruitment, arbitrary detention and looting were reported to be common.

On the 19th of September 2002, an attempted coup d'état against the government of President Laurent Gbagbo caused the partition of the country into two zones: the North under the control of an armed opposition movement, and the South loyal to the government in power. A buffer zone was created and monitored by French armed forces. In 2004, the UNSC authorised the deployment of peacekeeping forces that are still present in the country.

Several peace agreements aimed to end the conflict, such as the Linas-Marcoussi agreement concluded under the monitoring of the French government in 2003. Finally, the Ouagadougou peace agreement in 2007, negotiated with the mediation of President Bourkinabé and the United Nations, put an end to the partition of the country.

Otherwise, as the International Criminal Court (ICC) underlined, "Although the peace agreements and peacekeepers brought about a cessation of active hostilities, they did not bring peace or unity to the country. The end result was a stalemate, a situation of 'no peace, no war' or 'intermittent civil war.'"¹⁰

The runoff of the president elections in November 2010, which was supposed to put a definite end to the conflict, triggered a serious political crisis characterised by massive human rights and international humanitarian law violations (Report of the independent, international commission of inquiry on Côte d'Ivoire, 2011). The incumbent president and presidential candidate Laurent Gbagbo refused to recognise the success of his opponent, Alassane Ouattara. More than four months of violence followed, particularly in Abidjan and to the west of the country. As the ICC pointed out, "While the context of violence reached a critical point in late 2010, it appears that this was a continuation of the ongoing political crisis and the culmination of a long power struggle in Côte d'Ivoire."¹¹ Although no real certitude exists on this matter, it is estimated that 3,000 persons were killed during the crisis that followed the presidential elections¹². According to the United Nations High Commissioner for Refugees (UNHCR), more than one million persons were displaced internally (most of the displaced individuals went back to their community of origin or were integrated into their host communities) and 200,000 found refuge in other countries.

National identity and property issues linked to community tensions and political manipulation of ethnic and national groups are mentioned to explain this violence¹³. As the International Commission of Inquiry on Côte d'Ivoire pointed out, "The transfor-

mation of ethnic background into a political issue, the manipulation of young Ivoirians by the various political groupings involved, turning them into instruments of violence, and unresolved rural land issues are among the underlying causes of the massive, serious human rights violations. The elections were only a catalyst for the violence" (Report of the independent, international commission of inquiry on Côte d'Ivoire, 2011).

Since Alassane Ouattara took office in April 2011, the security situation has gradually improved but still remains precarious in certain parts of the country. In spite of the international presence, notably to the west of CI, violence remains common: reiterated looting, massacres, and rapes are reported every month. The independent expert on CI appointed by the United Nations Human Rights Council (UNHRC) noted, "Violations of the right to life, acts of torture, degrading and inhuman treatment, arbitrary arrests, rapes, violations of freedom of expression, racketeering and extortion, attacks and violent acts against religious buildings and leaders, and violations of the right to education, health and food" (Report of the independent expert, 2012).

Among the current challenges faced by CI, the independent expert underlined, "restoring security throughout the country and along its borders, reforming the security sector, restoring the rule of law and justice, combating impunity, promoting reconciliation, strengthening social cohesion and the ability to live together, restoring the State's sovereignty and re-establishing its services countrywide, reviving the economy, reducing poverty, and ensuring the protection/return/reintegration of displaced and refugee populations" (Report of the independent expert, 2012).

The security situation is still worrying and complex to handle. Only the Republican Forces of CI (RFIC), a still badly-structured military force, one part of which used to be in the rebel forces, are allowed to carry arms. Neither the police nor the gendarmerie is armed. And yet it often happens that the RFIC or armed militias explicitly supporting them (for instance, the Dozo hunters to the west of the country) are involved in exactions committed against the civil population. At the same time, demobilisation, disarmament, and reintegration (DDR) processes after the elections crisis were incomplete. International agencies frequently report hidden arms, rearmament and new presumed recruitments of former fighters from CI and Liberia (Secretary General of the United Nations, June 2012). In this context, the efficacy of the UN peacekeeping force is often questioned.

CI is hardly getting back in shape. The judicial system is recuperating with difficulty, trying to face an endemic impunity problem doubled with grovelling corruption. Civil authorities are restored little by little, taking their functions up in regions where for years they stopped exerting their authority.

Today, ethnic and political tensions remain palpable and notable in the daily language of individuals. This was evident in our interviews. Even if the prevailing speech deals with reconciliation, the interviewees frequently and implicitly pointed at the global accountability of certain groups which are usually ethnic or national. Ethnicity and political affiliation are still taboo subjects. For example, you do not freely refer to former President Gbagbo in any milieu. You can easily perceive that the inter-community tensions could be set on fire again at any time, although people are often aware of the political manipulation they are subjected to. "We used to be at peace with our neighbours," could be heard during talks.

3. ANALYSIS OF VIOLENCE FROM A GENDER PERSPECTIVE

“We saw things we do not ever want to see again”¹⁴



As in numerous countries, it is difficult to know with certitude the extent of violence, especially violence against women or GBV that has taken place in CI. In most reports on perpetrated violence in CI, a gender perspective is limited to the mentioning of rape and other forms of sexual violence, such as female genital mutilation (FGM) or forced marriage. Nonetheless, the mentioning represents progress in a country where discussions on violence against women remain silenced and the international community's efforts on this matter have to be emphasised. However, a deeper analysis of violence within a gender perspective still needs to be developed.

Obstacles to the visibility of analysis of GBV in CI are numerous. Firstly, many cultures in CI often have traditions that might violate women's rights in the view of the West. Forced marriage, FGM, sororate and levirate marriages, the guilt of a women caused by the death of her husband, domestic violence, and legal discrimination against women are common practices harming the fundamental rights and freedom of women in CI.

It is necessary to add that communities pressure women not to denounce or report the violence they suffer. For instance, in the case of domestic violence, women are urged not to file a complaint in order not to harm the “well-being” of the family. In the case of violence, out-of-court settlements are often preferred to any other sanction (including the case of rape¹⁵).

Certain topics are still considered taboo. Even if women begin to freely speak out about sexual violence, many women remain reluctant to mention such acts. Fear of being rejected by their husbands or their community, fear of not being able to get married, shame, willingness to forgive, and community pressure are some reasons why women remain silent about sexual violence.

The collapsing of state institutions in the north of the country (including judicial institutions)¹⁶ and the lack of a clear political will in the fight against GBV do not encourage victims to file a complaint. Prevailing impunity is sometimes evoked to explain the high number of rapes and other forms of GBV¹⁷.

In its chapter about attacks on religious sites, AI reported the following case:

“They began to hit us with their rifle butts. [...]One of them threw a Koran he had set alight at me. Then they told us to strip and continued to hit us. [...]They forced us to lie down flat on the ground and then walked all over us. Then they told us to get on our knees, with our chins touching the ground and our buttocks in the air. Then they pushed the end of their guns into our anuses and shook them around.”

Amnesty International, 2011

Finally, sexual violence affecting men and boys is rarely tackled even if you can find few references in certain reports.

In this context, numerous abused persons did not recognise themselves as victims nor wanted to press charges. This is why it is still difficult to evaluate the prevalence of this phenomenon and to recognise its evolution considering that there is no baseline to tackle them.

3.1. EXISTING REPORTS ON GBV IN CÔTE D'IVOIRE

Before analysing the documents specifically dealing with GBV, it is necessary to examine the gender perspectives present in the reports on political events and the human rights situation in CI.

“Gender implies knowledge of the difference between the sexes, yet that knowledge is also a way of organising the world and is inseparable from the social organisation of those differences” (WHO, 2001). The official national narratives reflect the subordinating relations prevailing in the concerned cultures. When women are mentioned, they are usually evoked in the context of their own traditional and cultural roles. However, since the 1960s, social historiography has helped emphasise the complexity of social processes behind these historical dynamics. Women are not absent from these narratives and, “cease to be considered as second rank players and turn into manifested historical subjects” (Wills, 2012).

Nevertheless, reports dealing with the situation in CI are surprisingly not very receptive to this evolution. Information from the gender point of view is largely absent. They refer to political, agrarian crises, to the organisation of different armed groups and violations deriving from it, without specifying or questioning the influence of the social organisation - notably gender precepts - on these situations and their consequences. Women's role - past, present and potential - is often ignored in these reports. Most of the time, statistics do not distinguish victims' gender (they mention killed or arrested “persons” without specifying if they are men, women or children). You need to look for specific documents on GBV to know that women were arrested, tortured and abused.

Admittedly, however, some reports take into account GBV as a result of international pressure concerning sexual violence and GBV. Reports deal with certain GBV allowing them to be made visible. For instance, the Representative of the Secretary General of the United Nations on the human rights of internally displaced persons, Walter Kälin, drew attention already in 2006 to “the heightened risk of sexual abuse as a result of the presence throughout the country of large numbers of armed combatants.”¹⁸ Reports from the Secretary General deal with it as well: one paragraph from the July 2012 document is dedicated to sexual violence.

However, these documents are often limited to certain aspects of GBV, usually to sexual violence. It leads them to quickly assimilate violations against women and GBV to sexual violence and to ignore the range of other gender-based violence. This assimilation overlooks the fact that sexual violence can concern men as well (in numerous situations, young boys are particularly targeted by this type of violence), as we previously saw. You can find references to rape and perpetrated sexual violence against men in paragraphs devoted to other violations.

Concerning information related to GBV, numbers are particularly disquieting. In the Man department of CI, 15 to 20 cases are reported per month¹⁹; in Duékoué, 183 cases were registered in 2011²⁰ (26 cases - including 8 sexual assaults - were registered in June 2012, whereas 13 cases - including 10 rapes - were reported during the first 15 days of July 2012). Currently, data-gathering is quite recent and still widely insufficient in CI. On this matter, the Committee on the elimination of discrimination against women (CEDAW) noted that the lack of data divided per gender makes it difficult to evaluate the effect and the efficiency of policies and programmes dedicated to improving women's rights in CI (CEDAW, 2011).

Nonetheless, it is necessary to point out that data is generally difficult to obtain when it deals with violence often linked to cultural and social practices (whose victims consequently often remain silent). Moreover, it is necessary to take into account several factors that may distort results from studies that concern such a touchy topic²¹. The researchers' training, the used language, the moment chosen to carry out the research, motives of the interlocutors - or the perception of such motives - and conditions of the data-gathering are a few examples of factors apt to hedge analyses. Therefore, it is difficult to exactly know the prevalence of GBV in a country such as CI. Few studies aim at making up for this lack.

Demographic and Health Surveys (DHS²²) are mainly about issues related to health, sexual and reproductive rights. They could also include information linked to these issues, such as sexual violence or domestic violence. However, they remain silent about this subject. They only tackle the FGM theme. In CI, "The different data-gatherings achieved until now mainly deal with female genital mutilations. It is only in 2005 within the framework of the survey on AIDS indicators[...] that indicators on certain forms of violence (rape, abandon, beating) were introduced into the data-gathering tool" (MFAS, 2007). From 1998 to 2011, no DHS was conducted. Only one survey was realised on HIV/AIDS in 2005. Results from the 2011-2012 DHS should be released next year.

However, the United Nations Population Fund (UNFPA) and the Ministry of family, women and children (former Ministry of family, women and social affairs) have made methodological efforts to obtain detailed information on GBV. Produced reports are the result of surveys realised with women and men depending on rigorous statistical methodologies. These studies hold the interest to connect sexual violence linked to conflict with sexual violence inflicted on women in peacetime.

Moreover, a database on GBV was created under the aegis of international organisations such as the International Rescue Committee (IRC) and the UNFPA. According to public information, the national strategy of fight against GBV took up this database. The latter is dedicated to gathering information related to collected GBV cases together at a national level through different state and private Ivorian entities and international organisations²⁴. The same system permits the GBV SubCluster to regularly publish reports on GBV that transmit information collected in humanitarian emergency zones. Certain persons deplore this effort as being isolated and not linked to a greater effort to gather together data related to human rights violations in general.

Finally, non-governmental organisations such as the Organisation of Active Women of CI (OFACI) bring information together from their field network of partner organisations.

All these initiatives of data-gathering are necessary. Otherwise, certain methodological aspects need to be subject to a detailed focused analysis. Issues related to the definition, classification, and interpretation of gathered data will be tackled here.

First, used categories and definitions must be paid specific attention. For instance, social centres²⁵ cover in the GBV category, 1) resource denial, 2) physical violence, 3) sexual abuse, more precisely rape, and 4) forced marriage. These categories leave grey areas (for example, what do you mean when you refer to physical violence? Can sororate and levirate marriages be considered forced marriages?); exclude other types of GBV (for instance, FGM, gender-based discriminations); and only include rape as sexual violence (ignoring other forms of sexual violence that could be committed, such as forced nudity, sexual slavery, and forced prostitution). Moreover, rape is still not defined by the Ivorian penal code, which leaves room for different interpretations in terms of legal classification.

On the other hand, concerning the database set up by the IRC, the distinction between rape and sexual abuse²⁶ (meaning the factualness of "penetration") raises the question of the classification of certain acts. IRC includes collective rape, conjugal rape, digital penetration, and anal or oral sex in the "rape"category²⁷. Apart from the fact that rape contexts are mixed up with *modus operandi*, it is necessary to bring out that penetration is interpreted in a restrictive way compared to, for example, the ICC elements of crime. Indeed, according to this document, rape occurs when, "the author invades the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body."²⁸

It is important to note that the recording systems of GBV cases do not sufficiently take into account the age for consent (15 years according to the Ivorian penal code) in order to determine the factualness of rape or not. If the sexual act (even consented) happens with a 15-year-old minor, rape is automatically and juridically considered. And yet, completed analyses do not take the age of consent into consideration²⁹. It is very possible that cultural factors influence the lack of systematisation of these cases to the extent that it is common to proceed with the marriage of young girls before they are 15 years old. Nonetheless, it would be interesting to check to what extent the age of consent is respected in traditional and local practices. These divergences between categories and definitions can result in certain confusion when one is comparing statistics.

Secondly, most information available on GBV (except UNFPA and Ministry of family reports previously mentioned) is based on "convenience samples," more precisely on gathered data depending on a non-random methodology. This information (from service supply such as information from hospitals and social centres, NGOs, etc.) is an undeniable source for qualitative analysis. Nevertheless, its utility is vastly more limited if you need to carry out quantitative and comparative studies. For example, GBV SubCluster reports include monthly comparisons of violence that are reported in certain regions. The value of these comparisons is relative. They can detail the number of cases received by different actors paying attention to GBV, an important effort to possibly indicate a modification of behaviour among the population facing brutality (for instance, the degree of confidence the victims have in attention mechanisms, their will to make this violence known, etc.). This data in turn can also give information on the attention

given. However, it cannot indicate a modification of the prevalence of the phenomena on a fixed term. Too many factors (whether able to be monitored or not) can intervene to explain statistical variations in many ways.

Without questioning the seriousness of the situation, it is difficult to realise the extent and the variations of the phenomena in the absence of references to other violations and of a baseline.

It is regrettable that the attention to sexual violence and GBV registration (as interpreted by the different systems) is not linked to a greater effort to collect systematically data on human rights violations affecting all the population. This effort would allow the evaluation of the extent of sexual violence against other types of violence, to analyse the level of complaints (what kind of complaint do people file? why these violations rather than others?) and to put sexual violence in its context (armed, family or community violence). Concerning the lack of a baseline, CI is barely about to build data-gathering mechanisms on GBV. Information on the prior situation consequently is incomplete and mainly comes from previously examined studies. Therefore, previous quantitative data do not permit the establishment of a reliable baseline. The latter still needs to be established.

An example is given by the draft document written by the national strategy of fight against GBV (NSFGBV). It affirms, "Sexual violence was on the rise in the country because of the crisis" (NSFGBV, 2012). Available qualitative information (particularly survivors' testimonies) and to a certain extent few quantitative data (notably from health centres and NGOs) confirm this statement. Testimonies deal with cases of sexual violence perpetrated by fighters that often show an incredible brutality. Medical assistance centres for GBV victims are always full in certain regions. However, it is not the quantitative information that can necessarily testify to an increase in such violence. This information can do it but the rise of statistics (for instance, the ones offered by the SubCluster) can also be a sign of other variables: a better attention to GBV issues; a rise in attention and number of care centres; an increased awareness among the population (particularly following campaigns led by national and international entities and organisations working on these issues).

Finally, everything is not necessarily linked to political violence. "Since the post-electoral crisis, men became more violent in households than in the past. Compared to two to three dossiers in the past, we now have a dozen files to take care of weekly," reports the director of a socio-educational centre in Treichville in a press article³⁰. If you examine the available information more closely in, for instance, Duékoué, many rapes are committed on minors within a community framework (by neighbours, acquaintances)

People fled. They came into my house. They took us; my mother and I. We had to cook for them. When they finished eating, they took drugs. They took my mother. There were four of them. After, they raped me. I was a virgin. I was 14 years old. One of the four men is still in the village. When I pass in front of him, he says, "this girl, she was my wife." I feel ashamed. I do not want to tell my current husband. I did not press charges because the guy is still in the village. I am scared he could hurt me.

Testimony of a woman in Danané

and not by armed groups. This type of information is important. It is interesting to analyse what is the cause of these cases (is it due to political violence and the security crisis?) and the influence of political violence on other violence affecting women. Could we be facing in CI a dramatic rise of GBV, which the political crises have only worsened? For example, a lot of rapes are committed on minors. This is a field of study which needs to be developed.

3.2. VIOLENCE AGAINST WOMEN DURING THE DIFFERENT CONFLICT PHASES IN CÔTE D'IVOIRE

The different phases of violence did not reach all CI territory in a homogeneous way. While the recent post-electoral violence concentrated in Abidjan (and particularly in certain neighbourhoods) and in western and south-western areas of the country, the prior conflict affected more the northern and buffer zones.

Men and women were not affected in the same way. Murders and forced disappearances often targeted men; "they were coming for men," reported a woman during a collective interview. Certain slaughters such as the one in the Carrefour neighbourhood in Duékoué in March 2011, mainly targeted men from a specific ethnic group, the Guérés, who were considered as partisans to Laurent Gbagbo³¹. Several studies demonstrated violence related to gender, especially sexually violence. These practices were pointed out during the two crisis terms.

Rape, mainly on women and young girls, was perpetrated in all the conflict zones. Usually, perpetrators are men (or youth) in arms but sometimes individuals who are not affiliated with an armed group are involved as well. Drug use by rapists is sometimes mentioned.

There are cases of rapes perpetrated with the presence of combatant women. OFACI reports the testimony of a 33-year-old victim, collected in Yopougon.

(OFACI (a)): "In April 2011, when former President Gbagbo was arrested, members of militias came into my neighbourhood, Sogefia. They said that all women had to suffer from the war since our brothers who were rebels were the ones who contributed to the arrest of Gbagbo (I am from the Dioula ethnic group). Among them, there were women and one of them threatened me, saying, 'If you resist I will kill you, I recognise you from the market.' Then they raped me; they were three men." (OFACI (a))

Rape was often the response to a declared will to humiliate and was frequently committed in public in front of the families and by several men. Amnesty International reports the following testimony of a woman in Duékoué:

"On Tuesday 29 March, I was with the old people in a house in the Quartier Carrefour when the door was broken down. Some men in fatigues told us to go outside and join a group of people. They wanted to kill us, but one of them said that he needed some women. A group of eight women and eight children (four girls and four boys) was gathered together. They told us to carry their booty, they wanted to take everything - clothes, saucepans and plates. They pointed their guns at us, some of them went in front of us and some followed us with their guns. Between noon and 8pm, we walked until we arrived at Dodobli. We were put together in a house. One of them held a knife and threatened to kill me if I did not have sex with him. He ripped my clothes and raped me

in front of everyone. While they were raping the women, some of them shouted and insulted the Guérés: ‘We are going to kill you Guérés, we are going to marry you and take your land.’” (Amnesty International, 2011).

Sexual violence did not only concern women. Several women we met described the humiliation endured by their relatives who were obliged to be present and to participate in their rape.

On the other hand, as previously seen, men and boys were victims of sexual violence.

During the first crisis term, between 2002 and 2007, combatant groups recruited several women into their service by force, in particular as “spouses.”

Other kinds of sexual violence were perpetrated as well: forced nudity, obligation for victims to masturbate or to rape a relative, oral sex with diverse objects, etc. Documented cases reflect the incredible cruelty of their perpetrators and are all morbid. They reveal the brutality of the acts committed in CI during the clashes: as a few examples of documented cases, individuals were burnt alive (especially through the torture necklace or the ‘article 125’, which refers to the 125 CFA necessary to buy fuel and matchsticks), others were killed with machetes, and many had their throats cut. The national commission revealed that pregnant women were also raped before being killed.

It is difficult to explain the reason why sexual violence is part of the repertoire of armed groups’ violence. All kinds of explanations are plausible and probably juxtapose themselves. Available testimonies permit the thinking that sexual violence in CI is part of the socialisation ritual for fighters; young fighters were pushed to rape by their mates. Rape committed in public in the face of family members and in groups shows a will to mock the “enemy,” to spoil his family and to debase their community. As a United Nations civil servant brought out, “Women and children are the most precious things for men. Raping and killing them demonstrates to men that they are not able to protect them. Rape breaks men’s morale and honour.” On the other hand, as Amnesty International describes it, “certain elements in these armed groups seem to act within the framework of a poorly structured commandment chain and to be mainly interested in looting. In this context women were often considered as objects to loot as other goods” (AI 2007). There were opportunistic rapes as well, namely those perpetrated by individuals taking profit of the chaos.

In CI, studies on sexual violence from the fighters’ point of view are missing. Little is known about the violence they endured.

Besides sexual violence, women suffer from the consequences of violence perpetrated against their husband or their relatives as well. For example, if the husband dies, the woman

“They told my son to rape me. He refused. They beat him and forced him to watch when they were raping me; ‘If you are not able to do it, watch us doing it.’”

Testimony of a woman in Danané

The brother of my husband [the woman testifying was remarried to him following the death of her husband] abuses me; he rapes me; he beats me. My children were distributed in the family of my husband. I am alone.

Testimony of a young woman in Dadané

may be forced to marry his brother following the levirate practice, and the children are taken care of by different parts of the family. It does not always happen without any complication.

On the other hand, as the UNSC recognised, domestic violence tends to increase during and after armed conflicts. The fighters return and the roles change, the displacement humiliation, economic difficulties, and the disarray of not being able to protect one’s relatives are factors that exacerbate domestic violence.

Finally, the massive looting of residences and insecurity drove thousands of families into absolute poverty. The widows’ situation has remained, in this sense, especially precarious. As we will see, no measure has been adopted to face economic losses.

3.3. WOMEN’S ROLES DURING CONFLICT IN CÔTE D’IVOIRE

As is rightly pointed out, “Nevertheless, one should be wary of holding (women) up as victims, and victims alone, regardless of what form of violence the oppressive social system inflicts on them. They know and have always known how to defend themselves, invent answers and strategies, which give them some leeway for negotiation and relative freedom. What is remarkable is that women, faced with difficult situations and in charge of the daily survival of children and the elderly, do not lose hope; instead, they fight, find new answers, invent new solutions, and group together with other women to better organise their daily struggle” (OMS, 2011). This is the case in CI.

During the post-electoral clashes, women in besieged neighbourhoods in Abidjan ensured the survival of their family. They were the ones who went to the market as, in most cases, men could not go out without risking their own life. We met women in Abobo who tried to make mediation efforts in their neighbourhood.

In many places, women went down the street to demonstrate against violence. In certain cases, they were dampened by blood. In Abobo, where the population was considered to be in favour of Alassane Ouattara, the Security and Defence Forces (SDF) opened fire on women who came to demonstrate on the 3rd of March 2011, killing seven. In Treichville, women organised other marches, which were also violently cracked down (OFACI (a)). The political action of certain influential women to stop the violence during the negotiation processes to end the 2002-2007 crisis, as during the post-electoral crisis, was pointed out by their protagonists.

Finally, women fought as well, even if it is little mentioned. Their role as potential promoters of violence is even less studied. Were they not fighters or promoters of violence or is it that it is preferred to ignore this aspect of violence?

3.4. PREVAILING SITUATION

The return to a relative peace did not bring an end to GBV. On the contrary, it seems that the situation got worse, or that women today are more ready to talk about it. The security situation, poverty and harmful traditional practices remain the most acute issues brought up by women.

In the West of the country, the security situation remains precarious. Incidents of ten associated with rapes and assassinations are regularly reported. According to the

GBV SubCluster, “Between February 2011 and the end of March 2012, personnel in charge of GBV in the west of Côte d’Ivoire took assistance to 987 GBV cases (335 sexual violence cases, 283 physical abuse cases, 18 forced marriages and 351 other types of GBV)”(FNUAP, 2012). Many women do not go to fields anymore because they are scared of being assaulted. Fear and insecurity remain their main concerns.

This situation has negative economic consequences on the widely rural societies and contributes to their pauperisation. This is added to the challenges of rebuilding the destroyed houses, recuperating the land, and/or buying back goods stolen during instances of looting without any state aid.

The practice of excision or FGM is widespread in CI. It is carried out by female circumcisers in often disastrous health conditions³². The consequences for women are very serious: “Beyond the risks of infection, bleeding, pain and psychological trauma during the procedure, this practice can have disastrous repercussions on a woman’s life on a long-term basis: difficulties to urinate, pains and risks of infection during periods and sexual intercourse, complications during child delivery.”³³ Despite the prohibition of FGM in the 1998 law, the prevailing anomie in CI during the last decade favoured the regular practice of this custom. A mélange of religious and mystic beliefs³⁴, the attachment to traditional customs and economic interests make the implementation of this prohibition difficult³⁵.

Domestic violence and traditions particularly affect women and girls. As CEDAW notes, “the Committee reiterates its concern at the persistence of adverse cultural norms, practices and traditions as well as patriarchal attitudes and deeprooted stereotypes regarding the roles, responsibilities and identities of women and men in the family and society. It notes that stereotypes are aggravated in periods of conflict and that they contribute to the persistence of violence against women as well as harmful traditional practices, including female genital mutilation, forced and early marriages, levirate, sororate, polygamy and granting of all decision-making power to men within the family. The Committee expresses its concern that the State party has not taken sufficient sustained and systematic action to modify or eliminate stereotypes and negative cultural values and harmful traditional practices.” (CEDAW, 2011).

“I only stay in my house during the day. In the evening, I go to the encampment [small installation established in the fields]. It is not because I am eager to go there. It is because I feel safer somewhere. At least, I know that they will not attack me in the encampment during my sleep. To tell you everything, my sisters, the heat is terrible in the encampment but we were obliged to give up our house and to find refuge here. There is no security here for us!”

Testimony collected in Duékoué

4. GENDER PERSPECTIVE IN THE POLITICAL TRANSITION

4.1. DEMOBILISATION, DISARMAMENT AND REINSERTION PROCESSES (DDR)

After the conflict of 2002-2007, a DDR process was set up but ended when the 2010-2011 political crisis started. Therefore many fighters did not benefit from a sustained programme and were enrolled again in different antagonist forces in 2010. This situation has diverse consequences on women. Firstly, combatant women did not benefit from differential treatments in DDR programmes. Secondly, the reinsertion of fighters in communities and families may have been complex. Finally, the fact that many of them - badly trained and poorly disciplined - are now in the RFIC can only be a source of worry for women.

On the other hand, arms were only partially recovered. Some people estimate that many still remain hidden. Incomplete demobilisation and reinsertion associated with the presence of arms and poverty can only end up with the recurrence of delinquency whose victims are often women, as the situation in Duékoué demonstrates.

4.2. TRUTH, JUSTICE AND REPARATION MECHANISMS

The transition that began in April 2011 was not a result of a formal political agreement. However, since that date, several international and national mechanisms were set up to investigate the violence that marked CI, particularly the events that followed the presidential elections in November 2010.

On the international stage, an *international and independent commission of inquiry* was established through the resolution 16/25 of the human rights council of the United Nations. The commission was responsible for “investigating the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d’Ivoire following the presidential election of 28 November 2010, in order to identify those responsible for such acts and to bring them to justice.” The commission released its report at the end of 2011.

On the 3rd of October 2011, the ICC Pre-Trial Chamber III allowed the prosecutor to open an inquiry on crimes committed after the presidential elections and on crimes that could be committed in the future. This mandate was extended to all violence committed since 2002 by the February 2 decision³⁶. On the 23rd of November 2011, the ICC delivered a bench warrant against former President Laurent Gbagbo. Among the charges to the former President as an indirect co-perpetrator, sexual violence is mentioned. The hearing of the confirmation of the charges initially planned for June, and then for August, was postponed sine die on August 3, 2012.

“We know that there are arms in Bouaké. Even police forces are unable to do anything to get them back. Those who are in Abidjan are responsible for these arms. The DDR programmes were not well managed. We even wonder if they were completed.”

Testimony gathered in Bouaké

On the national level, the President Ouattara government set up a component of complementary mechanisms: a Special Prosecution Cell related to the post-electoral crisis; the Dialogue, Truth and Reconciliation Commission (DTRC); and the national commission of inquiry. Only the Special Cell has a judicial mission.

The Special Prosecution Cell related to the post-electoral crisis was set up with the June 2011 ministerial order and was in charge of leading judicial investigations related to events taking place in CI during the post-electoral period. It is under the supervision of the Abidjan district court and consists of seven magistrates, twenty judicial police officers and six court clerks³⁷. Three investigation sections have been held, more precisely crimes of blood, economic offenses and damage against the state security³⁸.

Moreover, following the recommendation of the international commission of inquiry, a national commission of inquiry was created with the July 20, 2011 decree 2011-176. Its mandate is to conduct non-judicial investigations on international humanitarian law and human rights violations committed in CI between the 31st of October 2010 and the 15th of May 2011. The commission is composed of 17 members, including representatives of victims and a gender expert³⁹. After the extension of its mandate on the 9th of August 2012, the commission handed its report over to the President of the Republic to release and to use it.

Field investigations (public hearings, individual interviews) took place between January and March 2012. The commission visited almost all the country. More than 20,000 legal statements were gathered⁴⁰. Its current president affirmed that people were reluctant to approach and participate in what they perceived as “another commission.” The lack of consultation with the civil society may be one of the reasons (HRW, 2012). Especially women came with timidity and were apprehensive of saying what they went through. About sexual violence, the commission stipulates in its report, “The commission registered 196 cases of rape of women and other sexual abuse. This number looks relatively tiny, although this violation affects women’s dignity. On the other hand, the declared number is below the real number of cases. Usually, women who are victims of rape barely come to testify.”

The DTRC set up with the July 13, 2011 order 2011-167 aims to work independently for the search of truth on past and present national socio-political events based on the respect of differences and of the Ivorian way of living together (UNHRC, Report of the independent expert). Directed by the former Prime Minister, Charles Konan Banny, its mandate is planned for two years. It respects the model of the truth and reconciliation commission in South Africa. “The establishment of the Dialogue, Truth and Reconciliation Commission did not follow the usual pattern of such commissions elsewhere in the world. The president of the Commission was appointed before the Commission’s terms of reference had been established, and the Commission’s legal framework had been adopted without national consultations. From the substantive angle, the order establishing the Commission did not seem to have sufficiently emphasised the role of justice in the Commission’s mandate and fails to include all the necessary guarantees of independence and effectiveness” (UNHRC, Report of the independent expert).

Maître Françoise Kaudjhis-Offoumou, who is a women rights lawyer, is a member of the DTRC. According to obtained information, the gender issue is tackled in a sub-commission of the heuristic commission which deals with the land and nationality issues.

This elaboration of measures does not seem to give a real place to GBV and does not demonstrate a genuine gender-based analysis. Admittedly, sexual violence perpetrated on women and girls is taken into account in the mandates. It is mentioned in the report of the national commission of inquiry. However it seems that GBV is limited to this type of violence and it is not certain that other violence is taken into consideration. A hierarchy of abuse seems to exist in which political violence - which mainly affects men - is privileged when facing, for instance, socio-economic violence, which remains the centre of women’s concerns.

In this context, structural causes of violence on women are not studied: why are women attacked in such a way? What is the cause of the recrudescence of sexual violence? Consequences of violence neither seem to be part of the analyses: impoverishment, abandon, increased insecurity, domestic violence. Concerning the compensation, a “census of victims” was held in the country after the violence of 2002-2007. Otherwise, the interviewed persons affirmed they did not receive anything from an economic, psychological or a medical point of view.

4.3. RECONCILIATION FROM THE POINT OF VIEW OF WOMEN: “THEY NEED TO RECOGNISE WHAT THEY DID”

It is difficult to generalise women’s demands from the meetings conducted during the visit in CI. These depend on multiple historical, structural and ethnic factors. It is obvious that violence did not have the same manifestations or the same consequences from one place to another and from one era to the next. The trainings (about women’s rights, transitional justice, etc.) that women participated in also changed their claims. Even if it would be audacious to generalise, few claims common to all the interviewed women can be pointed out.

It is clear that reconciliation is considered necessary. The persons we met stated that they were fed up with violence and that they wanted to live in peace. “We do not want to wage war any more, we do not want to endlessly argue,” they told us. Within this framework, the notion of forgiveness has an essential place in the reconciliation discourses of women, it is a mixture of both religious and cultural notions (“we have to forgive each other,” asserted some of them). But for many, forgiveness necessarily has to be accompanied with recognition of the acts committed by the perpetrators of violence. “They need to recognise what they did,” is the statement reiterated during meetings. “We can forgive but not forget.”

For most women we met, the path to reconciliation consequently includes the recognition of atrocities committed against women; to be recognised as victims by society, no longer being stigmatised for what they have endured; and the demand for forgiveness from perpetrators

Opinions are divided on the question of whether it is necessary that perpetrators be judged. Certain women believe that it is a pointless exercise (“What will we do once our husbands are in jail?”); on the contrary, others demand that the perpetrators of violence be imprisoned. An intermediary position proposes that trials be conducted; sentences pronounced and then the perpetrators granted amnesty. Other voices ask for the judgement and conviction of principal perpetrators.

Finally, the main concern remains the economic situation. Massive looting, the loss of land and the restricted access to fields impoverished entire families. “How are we supposed to forgive when we are hungry,” ask certain women. “Is it normal that a person copes like this when we have nothing to give to our children to eat,” wonder others. The absence of compensation for economic damages will represent a core issue for reconciliation. Interviewed women admit that it will be difficult for them to consider reconciliation as long as their economic concerns are not solved.

Facing these expectations, questions arise. Will mechanisms set up to establish truth on violence be able to meet women’s claims? On this matter, even if some hopes were expressed by the action of the Dialogue, Truth and Reconciliation Commission (DTRC), certain scepticism prevails among women we met as after one year of work, few results or activities have been observed. Some women even expressed criticism because they considered they were not taken into account during the consultative meetings organised by the DTRC. Few references to the national commission of inquiry are made (see below).

Concerning justice, will the Ivorian judicial system be able to respond to these expectations? In spite of the grovelling impunity and difficulties of the judicial system, it should be noted that there exists a certain confidence in justice among the women we met. Testimonies of rape are being collected by different organisations to allow the prosecutor of the Republic to open investigations. Even the reminder of difficulties always inherent to cases of sexual violence seems not to discourage these women.

Will international justice respond to their expectations? It is urgent that the ICC shows its unbiased character to the population. For the moment, events in The Hague remain a taboo for many people as they seem to only concern one political camp. From an economic point of view, poverty in rural areas and the access to resources and to land property issues can form real obstacles to the reconciliation measures. If decisive measures are not undertaken to resolve them, there is a risk that they will keep feeding the fire of community quarrels.

5. MEASURES AGAINST STRUCTURAL GENDER-BASED VIOLENCE



CI has ratified most international human rights treaties and set up policies and measures to fight against gender-based inequality and to protect women’s rights. CI notably adopted the solemn declaration of equality of opportunity, equality and gender in 2007, the action plan on women (2003-2007) and the action plan addressed in the United Nations Security Council resolution 1325 for the 2008-2012 period that was adopted in 2007. The latter intended to intervene on four main fronts : i) the protection of women and girls from sexual violence, including female genital mutilation; ii) the integration of gender themes into development policies and programmes ; iii) the participation of women and men in national re-building and rehabilitation processes; and iv) the reinforcement of the integration of women into decision-making processes. According to the interviewees, these different policies and action plans exist only on paper.

Concerning the fight against GBV, many measures exist and specialised entities are in charge of the care of victims. For example, medical care is ensured in the first 72 hours after the violation. A national committee on the fight against GBV based in Abidjan permits victims to receive multidisciplinary and complete care. Hearing offices were established in social centres in several provinces. GBV is subject to a particularly efficient inter-institutional coordination under the form of GBV sub-clusters coordinated by United Nations agencies in emergency situations, and GBV platforms under the supervision of the Ministry of Family, Women and Children, with the participation of international governmental and non-governmental organisations. Within this framework, a data-gathering system on GBV⁴¹ was set up. Finally, a national strategy for the fight against gender-based violence was adopted in June 2012. In spite of these efforts, strong limitations remain in the care of sexual violence victims, especially rape victims.

Concerning medical care, victims need to present themselves to a health centre within a 72-hour period in order to receive free aid, the PEP and emergency contraceptives. This period is justified by medical reasons to limit the AIDS infection and to avoid pregnancy. The first 72 hours can allow potential marks and wounds to be observed and also to collect evidence for a potential legal procedure. However, this period indicates a limit for free care as well. Beyond these 72 first hours, care is charged to victims of sexual violence except if care and medicine are associated with HIV/AIDS. It is obviously an issue in a rural country where access to a free clinic or a health centre might not be easy. It is important to add that a lot of persons are reluctant to look for care in a hospital because of corruption: you often need to pay for “free” care.

Even concerning sexually transmitted diseases (STDs), victims are not equally taken care of: only treatment HIV/AIDS is free, not other STDs. On the other hand, psychological support to victims is limited by the absence of specialised medical personnel⁴². Finally, budget restrictions often limit state entities’ action⁴³. In reality, in areas where they are deployed, United Nations bodies, NGOs, social, religious and charity organisations provide for the needs of state entities or offer their services in their place.

Concerning judicial procedures, other obstacles appear. Firstly, victims have to obtain a medical certificate testifying violence exercised against them and its consequences. The physicians' organisation set the price of the certificate at 50,000 CFA, an unattainable amount for most inhabitants of CI. In a few regions, agreements were reached with local physicians to allow sexual violence victims to avoid paying this price. In other places, NGOs take care of the costs, as is the case for IRC, or establish the certificates themselves (for instance, MSF). But usually, the cost of medical certificates represents an obstacle to filing a complaint.

Secondly, despite the classification of rape as a crime according to the Ivorian legal code⁴⁴, local courts are not empowered to efficiently judge rape cases⁴⁵. In reality, magistrates juridically classify facts in indecent exposure cases (an offense subject to a prison sentence of two to five years if the act is perpetrated with violence), which shortens procedures and allows a judgement. It also means that the perpetrators, once judged, can easily get out of jail. It is necessary to add that there are only a few shelters for abused women in CI in which they can only stay a few days. Finally, there are no protection programmes for women who decide to file a complaint.

6. CONCLUSIONS



GBV in Côte d'Ivoire is a daily reality aggravated during conflicts; still insufficiently analysed, marginally considered and only partially included in policies and measures adopted against violence

GBV is common in CI. The unequal position of women and girls in society, the disequilibrium of powers between men and women linked to traditional and androcentric practices and the marginalisation of female participation in decision-making partially explain the prevalence of this violence. It takes multiple forms (FGM, sexual violence, forced marriage, domestic violence, economic violence, social violence, etc.) and remains silent or is subject to out-of-court settlements.

Violence associated with political conflicts only intensifies this situation. In CI, the practice of sexual violence, especially rape, by fighters is reported by survivors; the absence of men (incorporated into armed groups, assassinated, missing, displaced, detained) often ends up making women even more vulnerable to public but also community violence; the displacement of populations led to their impoverishment and reinforced their economic marginalisation. Finally, domestic violence seems to have also increased with political violence - or at least it is subject to better consideration and is often denounced. It is usually linked to tensions triggered by violence, to the militarisation of the society and to the re-incorporation of fighters into communities.

GBV and a gender perspective in general are well rooted in speeches and are part of the authorities' priorities at the national level as well as in more localised contexts (even if the latter is still limited). Measures have been adopted, laws exist and the will seems to exist as well. A national strategy has just been adopted. The victims of sexual violence are subject to specific attention and campaigns are organised to make the population aware of domestic violence or the harmful effects of GBV. Counselling offices have been set up; specialised entities have been deployed on all the national territory.

Nevertheless, the situation is more complex in practice. The fragmentation of regulations, the incoherence of policies in front of realities, difficulties linked to the implementation of laws (particularly the absence of adequate budgets), the incomplete implementation of measures, *de jure* and *de facto* obstacles to GBV judicial settlements demonstrate again the prevailing resistance to consider this violence as a serious issue. Beyond speeches, the fight against GBV is mostly the stronghold of few women; the issues are treated with little interest or with disrespect and are marginalised. The importance of including gender perspective and of adjusting policies and programmes to national realities is still badly understood. Finally, the objective of equality is far from being reached.

The terms of the peace agreements, DDR programmes or transitional justice measures undertaken in CI do not reflect a real consideration of the specific situations and needs of the different populations. The experience of violence that women went through, the range of violations they suffered from and especially their demand of justice remain marginalised in these programmes.

7. RECOMMENDATIONS



TO BE OR NOT TO BE BLIND: WHAT MODEL OF SOCIETY IS CÔTE D'IVOIRE HEADING TOWARDS?

Policies and measures undertaken in a context of post-conflict or regime change are an opportunity to tackle structural causes of violence, including GBV. The question of what model of society the country aims towards needs to be addressed: the re-building of a society of exclusion or the transformation into a society based on equal relationships between its members? It is necessary to question who has to be empowered to decide on this definition. Integrating a gender perspective cannot be limited to inviting a few female personalities to a roundtable or integrating them into transitional justice bodies. Nor is it enough to merely register rape (against women), FGM, or traditional violence. Finally, this analysis cannot only focus on women. A real integration of a gender perspective implies engaging the society in deeper thinking and making decisions that do not permit a return to the status quo.

UNDERSTANDING WHAT A GENDER PERSPECTIVE MEANS

The first effort that needs to be undertaken is to understand the benefits deriving from the incorporation of a gender perspective. It consists of breaking with the prejudice that accompanies the gender work. A gender perspective is not a passing trend from a few feminists, a fashion replicated by donors, or the imposition of a foreign model of society on the Ivorian culture. A gender perspective allows understanding the surrounding society, to analyse and to take into account the specific situations of men and women and their particular needs in order to adjust programmes and policies. Last but not least, it aims to create a more egalitarian society. It is necessary to ensure that the gender perspective is mainstreamed and not only reserved to parallel administrative structures, to specific personalities, and to separate chapters in reports.

LISTENING TO WOMEN

It is not always easy for women to express their opinions in a society where their participation has always been marginalised. In workshops, the opinions or the interventions of the participants tend to be orientated or directed unintentionally by the organizers. It is necessary to ensure that the voice of different categories of women is taken into consideration. There is no homogeneity in the “women” category. There is no “Ivorian woman”; there are “Ivorian women”, who represent multiple and distinct realities. The inclusion of female personalities in decision-making positions represents an important step forward. However, this is not necessarily enough to guarantee a real inclusion of gender and the understanding of its different characteristics. Finally, it is important to consider women not only as victims but also as actors of conflict and violence and as initiators of change.

CONSIDERING AND INVOLVING MEN IN GENDER-BASED ANALYSES

A gender perspective concerns men; this is important to reiterate and to understand. It is obvious that attention is turned toward women because a gender perspective consists of pleading for a more egalitarian society as well. Nevertheless, it also consists of tackling specific violations suffered by men. It is not sufficient to deal with assassinations and torture. It is necessary to consider violations that the cultural foundation of society makes invisible, for instance sexual violence. It is essential to take the consequences of conflicts on men into account; their difficulty to re-adjust to a peaceful society where they expect a drastic change in their belligerent behaviour, and pressure put on them to afford their family's survival in countries often politically and economically destroyed by conflicts. An egalitarian society can only be founded on common bases that need to be jointly built between men and women.

INCLUDING A GENDER PERSPECTIVE IN TRANSITIONAL JUSTICE MANDATES, PROCEDURES AND MEASURES

It is necessary to include a gender perspective in the mandates of truth, justice and reparation mechanisms, especially mandates of the entities in charge of investigating violence. These mandates establish the types of violence that have to be subject to inquiry or judicial proceedings. Usually, they are limited to violations linked to political dynamics of the conflict, excluding the consequences of these violations on other persons and other types of violence. Incorporating a gender perspective implies opening the mandates to multiple possible forms of violence; analysing their relationships; documenting GBV; analysing their causes; and understanding them in the environment of other forms of violence. It means understanding the different consequences of violence in order to adjust reparation measures and to adopt adequate policies to prevent new atrocities.

It is necessary to adjust the *procedures* of truth, justice and reparation mechanisms to the needs of GBV victims. Testimony-gathering, listing of evidence and victim security are aspects that need to be adjusted to the specific cases of GBV. Reparation measures need to take women's claims into account. It is particularly necessary to focus on the direct and indirect consequences of sexual violence (social rejection and stigmatisation, physical and psychological pathologies, economic and social insecurity, etc.). It is important to address the meaning of security for women and to solve the economic obstacles that represent a real barrier to their political participation.

INCLUDING A GENDER PERSPECTIVE IN ANALYSES ON VIOLENCE

Even if sexual violence is employed in almost all conflicts, its extent and form dramatically differ from one war to another and sometimes from one region to another inside of the same territory. According to collected information, in CI rape was used to humiliate, degrade and depreciate the other party, communities and families. Women were consequently targeted but perpetrators especially aimed at destabilising and weakening men. Nevertheless, the generalisation of the use of rape in incidents or violence with or without a political character (for example, during looting) may show that other causes

are involved as well. The study of sexual violence would benefit from being tackled in the global context of perpetrated violations during and after conflicts. This would allow understanding the existing relationships between sexual violence and other forms of violations. On the contrary, an isolated analysis of sexual violence runs the risk of strongly limiting how we understand its extent, causes, and consequences.

When constructing the analysis, it is necessary to study why there is access to certain data and, on the contrary, why others are not available. For example, little information on sexual violence affecting men does not necessarily imply that it did not take place; it can mean that men tend not to speak about these kinds of violations. Therefore it is essential to question the factors influencing the data collected. We easily tend to interpret and use data (quantitative and qualitative) without carefully considering their limitations.

ABBREVIATIONS



DTRC	Dialogue, Truth and Reconciliation Commission
ECOWAS	Economic Community of West African States
CEDAW	Committee on the Elimination of Discrimination against Women
UNHRC	United Nations Human Rights Council
CI	Côte d'Ivoire
CMI	Crisis Management Initiative
ICC	International Criminal Court
UNSC	United Nations Security Council
DHS	Demographic and Health Survey
ECOSOC	Economic and Social Council of the United Nations
SDF	Security and Defence Forces
UNFPA	United Nations Population Fund
RFIC	Republican Forces of Côte d'Ivoire
IRC	International Rescue Committee
MFAS	Ministry of Family, Women and Social Affairs (Currently Ministry of Family, Women and Children)
FGM	Female genital mutilation
WHO	World Health Organisation
UNO	United Nations Organisation
UNOCI	United Nations Operation in Cote d'Ivoire
NSFGBV	National Strategy of Fight against GBV
UNHCR	United Nations High Commissioner for Refugees
GBV	Gender-based violence
WANEP	West African Network for Peace Building

ENDNOTES



¹ In this document, the “woman” term refers to female persons and implies women of different ages. It includes girls, teens, young adults, adult and aged women.

² CMI, consultancy mandate.

³ Beijing Platform for Action, ¶ 131.

⁴ Beijing Platform for Action, Strategic Objective E.1, ¶ 142.

⁵ United Nations Security Council resolution 1325 (2000), S/RES/1325 (2000), ¶1.

⁶ Economic and Social Council of the United Nations (ECOSOC), Agreed conclusions 1997/2 on mainstreaming a gender perspective into all policies and programmes of the United Nations system.

⁷ The “transition” term is here used in its most common sense, “passage from one state to another”, and groups together the different initiatives undertaken to go from violence to peace.

⁸ These regions match with WANEP-IC zones of intervention (current and future).

⁹ According to the United Nations High Commissioner for Refugees, at the 2010–2011 crisis peak, 200.00 found refuge in other countries (particularly Ghana, Togo and Liberia) and more than one million were displaced (<http://www.unhcr.org/pages/49e484016.html>).

¹⁰ International Criminal Court, October 3, 2011 Decision on the situation in Côte d’Ivoire, ICC-02/11-14-Corr, ¶ 181.

¹¹ Ibidem.

¹² The independent commission of inquiry on IC “did not express its will to contribute to feed debates on the number of victims. Time and resource constraints did not allow the human losses during the crisis to be estimated. Nevertheless, on the basis of the collected information during field visits and cross-checking the commission was able to undertake, around 3,000 persons were killed” (Report of the independent commission of inquiry, summary) (our translation). The national commission of inquiry indicates 3248 registered cases of offence against the right to life (<http://veriteivoirienne.overblog.com/article-commission-nationale-d-enqueterapport-d-enquete-sur-les-violations-des-droits-de-lhomme-et-du-dr-109045340.html>).

¹³ On this point, the international commission of inquiry underlined, “Since the death of President Houphouët-Boigny in 1993, Ivorian political actors gave themselves to a tenacious struggle for succession. These tensions facilitated the development of the ‘ivoirité’ concept; a real political battle tool created by Henri Konan Bédié who materialised it through the legislation on the rural land domain moving aside a part of the Ivorian population from the access to property” (international commission of inquiry, 2011) (our translation).

¹⁴ Quote from a woman interviewed in Danané (July 2002).

¹⁵ The case of the reparation of a rape with the gift of a goat to the family of the victim was, for example, reported.

¹⁶ In certain regions, courts are barely taking place again.

¹⁷ Notably see AI 2007.

¹⁸ Quoted by AI 2007.

¹⁹ Information collected from the social centre of Man.

²⁰ Including 37 cases for which one person is responsible.

²¹ On this matter read F. Roth, T. Guberek and A. Hoover, Using Quantitative Data to Understand Conflict-Related Sexual Violence in Colombia: Challenges and Opportunities, Bogotá, April 2011, available on www.cpvista.org.

²² DHS is an international initiative, which aims to ensure statistical data follow-up of health in developing countries and to compare them. DHS is based on rigorous statistical methods of survey and mainly deals with issues related to the right and access to health, and with sexual and reproductive rights.

²³ In Colombia, certain DHS questions deal with sexual violence, mainly considered in a domestic violence context.

²⁴ Thanks to the support of the international community, GBV platforms were created in different regions of IC. They bring governmental, state and non-governmental entities, which work on GBV together. In regions where the humanitarian emergency was declared, this inter-institutional mechanism was first under the supervision of the United Nations within the framework of the coordination of its agencies and “clusters”. The GBV SubCluster is part of the sectorial protection group and is dedicated to “promote a coherent, complete and coordinated approach” on this topic. The information provided by the GBV SubCluster is available online: (Workgroup on the responsibility on gender-based violence, Guide de coordination des interventions en matière de violence basée sur le genre dans les situations de crise humanitaire, July 2010, <http://ivorycoast.humanitarianresponse.info/Portals/0/clusters/protection/gbv/Tools/GBV%20Coordination%20Handbook%20FRENCH.pdf>).

²⁵ Social centres or, “Socio-educative centres” are official entities present in all the territory. “They are in charge of : i) the social and health and psychomotor survey of the mother and children between 0 and 2 years old; ii) the family education for women and youth; iii) the care of youth and disabled persons’ specific problems; iv) the improvement of living conditions for groups and communities” (CEDAW, 2010). Few of them group delegates from the Ministry of family, women and children and have specific programmes to take care of GBV.

²⁶ Here rape is distinguished from sexual abuse but it is not the case in social centres’ data.

²⁷ The form dedicated to orientate the data-gathering is still preliminary according to an IRC person we interviewed.

²⁸ ICC, Elements of crime, Article 7 1) g)-1.

²⁹ The national strategy of the fight against gender-based violence defines rape as “sexual relations with a minor younger than 15 years old, the notion of consent to sexual relations is not valid for children below 15 years old” (NSFGBV, 2012) (our translation).

³⁰ Fulgence Zamblé, Des femmes battues dans leurs foyers redoutent la justice, Inter Press Service News Agency (IPS), July 2012, available on the website: http://ipsinternational.org/fr/_note.asp?idnews=7116

³¹ Even if numbers are discussed following the massacre, ICRC reported to have proceeded in the lifting of more than 800 dead bodies, mainly men.

³² DHS, 1998.

³³ DHS, 1998.

³⁴ According to gathered testimonies, the clitoris would be used in mystic rituals.

³⁵ Interviewees reported that the economic interest for female circumcisers could explain the continuation of this practice. Nevertheless their economic reconversion programmes failed letting the economic argument poorly convincing.

³⁶ Among the arguments exposed by the ICC prosecutor office to extend its temporal mandate for his investigation in IC, the sexual violence topic is evoked in the following way, “The Prosecutor further submits that there is information that government and rebel forces raped members of the population and they were responsible for other forms of sexual violence, including sexual slavery. These crimes were allegedly used by all parties to the conflict ‘as a weapon of war’ in the aftermath of the failed coup d’état”, Pre-trial Chamber III, Situation in the Republic of Côte d’Ivoire, ICC-02/11, 2 February 2012, ¶6, <http://www.icc-cpi.int/iccdocs/doc/doc1341467.pdf>

³⁷ <http://justice-ci.org/cellule/76-personnel-et-cadrede-travail.html>

³⁸ <http://justice-ci.org/cellule/88-enquetes-relatives-ala-crise-postelectorale-le-communique-du-parquetdabidjan-du-27-octobre-2011.html>

³⁹ Namizata Sangaré, OFACI, is part of it.

⁴⁰ http://ictj.org/sites/default/files/Baldo_ICTJ_Podcast_06072012.mp3

⁴¹ This system registers rape, sexual abuse (meaning sexual contact that does not imply penetration), physical abuse, forced marriage, resource, opportunity or service denial, and psychological and emotional violence cases.

⁴² A civil servant even informed us that the psychologist profession is not considered as a civil servant one. Unchecked information.

⁴³ In Man, the information we collected shows that the social centre benefits from a yearly budget of 4 million CFA. The IRC completes it with a 60,000 CFA aid per assisted person.

⁴⁴ According to article 354 of the Ivorian penal code, rape is subject to a 5 to 20-year jail sentence or to life imprisonment when it is achieved with the help of one or several persons, if the perpetrator is the father, a relative or a person who has authority on the victim, if one is in charge of the victim’s education, one’s intellectual or professional training or if the victim is a minor under 15 years old.

⁴⁵ In certain regions of IC, circuit courts are not taking place again. In Man, the district courts only started to work again in June 2012.

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