



Constitution Building Training Programme

Constitution Building Programme
International IDEA

Constitution building for equality: Gender in post-conflict contexts

A module of the Constitution Building Training Programme

Overview

At a time when many countries are coming out of conflict and developing new and reforming constitutions, there is an opportunity for women to actively and meaningfully engage in the process of constitution building to address their concerns in a manner that makes sense. One of the most challenging aspects of constitution building has been to integrate gender perspectives in a meaningful manner. But how can women insert themselves into the process? Where are the entry points? Why should women participate in the male dominated arena of post-conflict constitution building? Are there benefits? What are they? It has become critical to move beyond making connections in relation to gender, conflict and constitution building to developing concrete strategies and innovative mechanisms of dealing with these challenges.

This Module aims to focus on the gender equality aspects of constitution building. It therefore provides an overview of the normative framework and an opportunity for participants to engage critically with the international legal framework. It also provides concrete practical examples, in the form of case studies, on how countries have at the national level aimed to deal with issues of gender equality in post-conflict constitution building. This comparative framework should shed some light on possibilities for participants within their own contexts. Constitution building in post-conflict countries is notoriously challenging and this Module does not aim to provide a definitive checklist or answer to how to incorporate gender equality into such a process. Instead the Module will provide information and open avenues for debate and critical analysis by participants.

It specifically focuses on notions of stigma and discrimination, formal versus substantive equality, the international legal framework for protecting gender equality, the issue of gender-based violence in situations of armed conflict and how post-conflict countries may deal with issues of equality and gender in constitution building. A specific focus on women's participation in peace processes is also contained in this Module. Each section highlights the international norms and sets out, where applicable, some national case studies. Exercises and Case Studies aim to ground the normative aspects into practical realities offering insights, critiques and discussion.

Learning outcomes

At the end of this Module participants should be able to:

1. Understand concepts of stigma, discrimination, equality and vulnerable and marginalized populations.
2. Understand what normative global protection mechanisms exist for women in terms of the provisions of CEDAW; UN Resolution 1325 and Regional instruments.
3. Understand what the key challenges are in relation to formulating gender relations in order to enhance women's empowerment.

4. Understand how gender plays a role in rendering women vulnerable in times of conflict and how the international community has attempted to provide redress in terms of state accountability.
5. Be able to develop frameworks to ensure women’s participation in peace-processes.
6. Be able to develop frameworks to ensure women’s participation in post-conflict constitution building processes
7. Be able to develop a checklist of good practice models to ensure participation and critically understand how these may or may not be relevant in their own contexts.

Module Structure

Executive summary	
Introduction & Learning outcomes	
Stigma, discrimination and gender equality in post-conflict scenarios	<ul style="list-style-type: none"> • Stigma • Discrimination • Equality • The difference between sex and gender • The complexity of gender equality and post-conflict initiatives • Vulnerable and marginalized populations
CEDAW as a tool to reformulate gender relations and enhance women's empowerment	<ul style="list-style-type: none"> • CEDAW • Problematizing the Convention in terms of reservations • Key challenges in reformulating gender relations • Conditions for effective functioning of gender equality mechanisms
Gender-based violence in the context of armed conflict and key strategies	<ul style="list-style-type: none"> • Rape and sexual violence in armed conflict • Theories of state responsibility and accountability • Mechanisms for addressing violence and human rights violations • Summary
Participation of women in peace processes with a focus on UNSCR 1325	<ul style="list-style-type: none"> • Introduction • Why involve women? • Where and how can women participate in peace processes? • Summary
Participation of women in post-conflict constitution building processes	<ul style="list-style-type: none"> • A case study from Venezuela • What do we mean when we speak of participation? • Strategies to ensure participation • Gender mainstreaming • The advantages of women's participation • Practical steps to enhance women's participation • A case study from Rwanda
Reading list	