Amnesty report highlights failure to convict rapists in Haiti

A report released November 27 by Amnesty International drew attention to high rates of violent sexual crime perpetrated against women in Haiti. Available figures for 2008 indicate that over half of the reported rape victims were under 18 years old. The report, *Don't Turn Your Back on Girls: Sexual violence against girls in Haiti*, sheds light on the minimal resources available for the investigation and prosecution of rape and sexual assault in Haiti. Rape only recently became a prosecutable offense in the Haitian legal system in 2005. Politically-affiliated gangs used rape as an instrument of intimidation during Haiti's political conflicts in the Eighties and Nineties. Now, young male gang members carry on this pattern of violence with impunity.

FOCUS ON GENDER

Building Export Markets for Peruvian Women

Heather Gibb

The rapid proliferation of regional trade agreements and free trade agreements has generated much discussion about whether and how they contribute to global trade liberalization and economic growth.

Government agencies and international forums that monitor how trade and investment liberalization affect the status of women and prospects for inclusive growth are increasingly concerned that gender dimensions are not reflected in these trade discussions (United Nations Economic and Social Council E/CN.6/2008/L.8).

The recently-concluded free trade agreement between Canada and Peru aims to create expanded and secure markets for both countries' goods and services, as well as new employment opportunities, improved working conditions and living standards for people in both countries. Canada's major imports from Peru are predominantly in traditional sectors (ores, precious stones, copper articles, vegetables), where women's businesses are not significant. The agreement does include a trade cooperation chapter, however, which aims to strengthen the capacity of both partners to maximize benefits from the agreement. This article considers how to build the capacity of women-owned enterprises in Peru to tap into Canadian markets.

The gender dimensions of trade liberalization were very much on the agenda at a series of APEC events hosted by the Peruvian government earlier this year. The APEC Women Leaders Network and the APEC Gender Focal Point

Note from the Editor — No Crisis Response Can Afford to Forget Gender

When the financial crisis hijacked the agenda during the recent Canadian federal election in September and October, the policy prescriptions to heal the Canadian economy paid little attention to how to support women affected by the downturn.

Rather, the election campaigns focused on whether or not to provide a fiscal stimulus to the economy and to ailing sectors such as auto manufacturing, whose jobs are primarily held by men. Healthcare, education, textiles, hospitality and tourism, all sectors with significant female workforces, were invisible.

Paradoxically enough, Canada and most Western countries' international development agencies have emphasized for decades the essential role women play in social and economic development and have advocated for a larger political role to give women a voice in government policy decisions.

This is what feminist economist Diane Elson described as "Keynesianism for men and neoliberalism for women" in a recent presentation in Ottawa, Canada. She argued that economic policies, contrary to their neutral appearance, are gender biased and that the West's response to the crisis could lead to deeper marginalization for women at home and internationally in economic, social and political terms, with possible long-term structural changes that could undermine progress toward gender equality.

Elson's point is worth remembering as politicians come to rely on the message of public and personal sacrifice in the face of economic crisis. We need to look for ways to measure the impact of the financial crisis on women in the hemisphere and advocate for economic and social policies that take the needs and aspirations of women into account, rather than dump their demands on the post-crisis to-do list. Elson said a first step toward this understanding would be for civil society and research groups to start rapid monitoring teams to measure the impact and responses of households to the financial crisis. With gender-disaggregated data and analysis in hand combined with cost-effective policy options, policymakers will not have the luxury of ignoring or claiming ignorance of the gender impact of their decisions.

Action is necessary to support gender equality in the hemisphere. Heather Gibb from the North-South Institute reports that the APEC Women Leaders Network called for supportive programs to address women entrepreneurs' needs for capacity building, micro-financing and credit to support their businesses so they can export their wares and take advantage of free trade agreements such as the one Canada just signed with Peru.

Action also must be taken to protect the human and citizen rights of gay, lesbian, bisexual, transgendered and transsexual people in Latin America, according to Fernando D'Elio of the International Gay and Lesbian Human Rights Commission. With an estimated 800 LGBT people killed per year in Brazil and 100 killed in Mexico, two of the hemisphere's largest countries, this ongoing fight for gender equality that has seen some success on the inter-American level must have the leadership of national, provincial, state and municipal governments to ensure the bloodshed stops and LGBT human rights are respected.

Judging from the *Global Gender Gap* report, not only Latin America and the Caribbean, but Canada and the United States, too, have a long way to go in guaranteeing equal access to women and men on questions of economic opportunity, education, political empowerment, and health and survival. Advances in these areas have a huge impact and are well worth the investment.

Making gender equality a dominant feature in the hemisphere's political, social and economic life would not only create a more just place to live, but it would insulate us all from future crises.

Kate McInturff

Peter Moore

Peruvian Women *(continued from page 1)*

Network meetings included trade shows, workshops on information and communications technologies, business finance, and intellectual property rights issues for small businesses, as well as training on the gender dimensions of trade liberalization for government officials.

Discussion papers prepared for the meetings explored theoretical and practical gender dimensions of trade agreements. Research has shown that trade liberalization has different implications for different groups of people through its impact on prices, employment and production structures, and tends to benefit those who already have access to credit, export markets, transportation and other infrastructure, including technology and land. Others may lose because they are dependent on sectors that become uncompetitive or because they cannot access new markets.

Small businesses are very important in Latin America. In Peru, micro and small businesses in the formal sector contribute over 40 per cent of Gross Domestic Product, according to the 2006 Report by Peru to APEC Gender Focal Point Network. However, enterprise activity is overwhelmingly in the informal sector: about 74 per cent of businesses are informal, employing 6.2 million people, of which approximately 42 per cent are women.

Gender, along with ethnic, de-mographic, and educational dimensions, have important implications for women entrepreneurs. Studies indicate that a continuing constraint to women's participation in business is the traditional division of labour in the household which creates con-flicts between mother and entrepreneur roles.

In addition, many women are the main and only breadwinner in the household–this has implications for women's tolerance for risk. In Peru, the proportion of the households that are headed by a woman who is the only income earner is very high: over 21 per cent of all households and almost 25 per cent of households in Metropolitan Lima. The situation of women in Peru is very heterogeneous, however, and experts stress that the strategies aimed at growing women's businesses need to recognize the diversity of women's economic and social backgrounds (Beatrice Avolio, *An Exploratory Study of Women Entrepreneurs: The Peruvian Case.* Pontificia Universidad Católica del Perú, 2008).

Peru's exports are concentrated in traditional primary products, minerals and gas. Other "non-traditional" exports include new hydrocarbons, gas and minerals, textiles (garments) and new agricultural products (legumes and fruits). Crafts, a sector where women's businesses are strongly present, account for less than two per cent of these non-traditional exports and less than 0.5 per cent of total exports.

Handicraft sales and exports represent a significant source of income for household survival, however, and show potential for growth. Janina Leon's study of women handicraft exporters in the Lima area found that women have adopted many innovative practices to access international markets, including placing consignments with institutions that export, working with fair trade organizations, supplying commercial stores that sell locally to tourists and abroad, and linking up with larger associations to access information and markets (for example, the Associacion de Exportadores del Peru (ADEX) and the NGO Manuela Ramos). Trade fairs offer an opportunity to meet new clients and, potentially, gain new contracts; however, the out-of-

> The Canada-Peru FTA agreement commits both countries to promote small and medium enterprises [which] could provide a mechanism to build capacity and new markets for Peruvian women exporters.

pocket expenses can be excessive for very small producers who may not be able to juggle the costs of merchandise transportation and handling, travel expenses, and possible foregone sales. One suggestion from producers was for the government to establish local, specialized areas for craft producers to manufacture and market goods–this would help reduce costs while complementing production and sales. Another was for investment in public infrastructure in marginal areas of Lima to improve access to water, electricity and gas, help reduce costs and make micro and small businesses more competitive. Producers also said they needed more experience and expertise in negotiating with foreign buyers, technical training, and trade and market information.

A continuing barrier to women is access to banking services and export financing appropriate to the needs of small producers. APEC Women Leaders Network members called this year for accessible and affordable export credit plans and adequate micro-finance for micro and small enterprises, and capacity-building programs to help women, particularly rural, impoverished and Indigenous women, to gain access to global supply chains. Intellectual property issues are a major concern for small producers who lose clients when poor quality imitations flood markets or when traditional knowledge, arts and design are appropriated by larger organizations. Very small producers are unable or do not have resources to access complex government databases to track potential infringement of their designs.

The cooperation chapter of the Canada-Peru FTA agreement com-

Uneven Progress Made in Closing the Gender Gap in the Americas

Kate McInturff

Latin America and the Caribbean are making progress in reducing the gender gap, according to *The Global Gender Gap Report* published in November by the World Economic Forum.

The report, published each year since 2006, provides an overview of the gaps that exist between women and men across four categories: Economic Participation and Opportunity, Educational Attainment, Political Empowerment, and Health and Survival. It ranks each country overall and provides more detailed rankings across the four sectors.

The report is different from other development reports because it measures the gap between women and men within each country, rather than the overall level of access and achievement of men and women in these four areas. This means that the rankings do not reflect levels of overall development within a particular country. For example, in the area of Health and Survival, Canada

ranks 57th and Paraguay ranks first. However, life expectancy for both men and women is ten years higher in Canada than in Paraguay. Thus, the ranking reflects relative levels of access to the resources that exist, rather than the amount or effectiveness of those resources. Paraguay's high ranking in access to health care, in spite of its extremely low ranking overall (100), is indicative of one major regional trend: increasing levels of gender equality in access to health care in this hemisphere. The report indicates that "18 out of the 36 [countries] that have closed the gap on health outcomes are from the Latin America and Caribbean region." This result does not necessarily reflect an overall high level of health care across the population, but it does indicate relatively equal access to the health care that is available.

The second regional trend is in the area of Political Empowerment. Most of the countries from the re-

mits both countries to promote small and medium sized enterprises –and hopefully micro-enterprises– and could provide a mechanism for collaborative initiatives to build capacity and new markets for Peruvian women exporters. Interventions will need to be sensitive to both gender and diversity considerations, and include particular attention to very small-scale producers. 🌐

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Rights at The North-South Institute in Ottawa, Canada. Gibb and Janina Leon, Professor, Department of Economics, Pontificia Universidad Catolica del Peru, spoke on gender and regional trade agreements at the 13th meeting of the APEC Gender Focal Point Network, Arequipa Peru, May 12-14, 2008. Beatrice Avolio, Professor, CENTRUM Católica, Pontificia Universidad Católica del Perú, was part of the reference group for the Gender and RTAs issues paper.

gion that have seen their overall score improve have done so as a result of an increase in women's political representation. For example, Trinidad and Tobago holds the highest global ranking, 19, from within the region, climbing 27 places from its 2007 ranking of 46. This gain is largely attributed to a significant increase in the number of women in its parliament.

The same trend is evident in the case of Chile, which has climbed from 86 to 65, with a woman head of state and a larger number of women appointed to cabinet positions in its national government. Political empowerment is also responsible for one of the sharpest declines in a country's overall ranking. In 2008, Canada fell to 31 overall, down from 18 in 2007 and 14 in 2006. The significant decline experienced by Canada results largely from a decrease in the level of women's political representation in the federal cabinet.

In spite of the achievements of several countries in the region in the area of women's political empowerment, the scores in this category still see the lowest levels of achievement across all countries in the global report. While Trinidad and Tobago is doing notably better in this area than Barbados, one of its closest neighbors, neither country is doing particularly well overall. Trinidad and Tobago's rank in the area of political empowerment is 24, versus Barbados' rank of 62. However, this is a relative measure. With 0 being inequality and 1 being equality, Trinidad and Tobago's actual score in the level of access to political representation is 0.2555 while Barbados' score is 0.1290. This means that, with a ratio of one woman to three men represented in its political system, Trinidad and Tobago is doing better than Barbados with one woman to seven men. Neither is close to achieving equality in political representation.

The region also follows global trends in seeing relatively small gaps in access to education but high gaps in access to economic participation.

Social change is a slow and complex process, and the gender gap is a rough measure of trends in gender relations. However, in disaggregating gender inequality from levels of economic development, it provides an alternative measure of progress to the Gross Domestic Product. This measure also can provide an early warning of trends toward disempowerment and an indication of the sectors in which progress toward greater gender equality is being made.

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Rankings for the Americas in the Global Gender Gap Index 2006-2008

Country	2008 Rank	2008 Score	2008 rank among 2007 countries	2007 Rank	2007 Score	2006 Rank	2006 Score	Change in Score (2008-2007)	Change in Score (2007-2006)	Change in Score (2008-2006)
Trinidad and Tobago	19	0.7245	19	46	0.6859	45	0.6797	0.0385	0.0062	0.0447
Argentina	24	0.7209	24	33	0.6982	41	0.6829	0.0227	0.0153	0.0379
Cuba	25	0.7195	25	22	0.7169	n/a	n/a	0.0026	n/a	n/a
Barbados	26	0.7188	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
United States	27	0.7179	26	31	0.7002	23	0.7042	0.0177	−0.0039	0.0138
Canada	31	0.7136	30	18	0.7198	14	0.7165	−0.0063	0.0034	−0.0029
Costa Rica	32	0.7111	31	28	0.7014	30	0.6936	0.0097	0.0078	0.0175
Panama	34	0.7095	33	38	0.6954	31	0.6935	0.0141	0.0019	0.0160
Ecuador	35	0.7091	34	44	0.6881	82	0.6433	0.0210	0.0448	0.0658
Jamaica	44	0.6980	43	39	0.6925	25	0.7014	0.0055	−0.0089	−0.0034
Honduras	47	0.6960	46	68	0.6661	74	0.6483	0.0300	0.0178	0.0477
Peru	48	0.6959	47	75	0.6624	60	0.6619	0.0336	0.0005	0.0340
Colombia	50	0.6944	49	24	0.7090	22	0.7049	−0.0146	0.0041	−0.0105
Uruguay	54	0.6907	53	78	0.6608	66	0.6549	0.0299	0.0058	0.0358
El Salvador	58	0.6875	57	48	0.6853	39	0.6837	0.0023	0.0016	0.0039
Venezuela	59	0.6875	58	55	0.6797	57	0.6664	0.0078	0.0133	0.0211
Chile	65	0.6818	64	86	0.6482	78	0.6455	0.0336	0.0027	0.0363
Nicaragua	71	0.6747	70	90	0.6458	62	0.6566	0.0289	−0.0108	0.0181
Dominican Republic	72	0.6744	71	65	0.6705	59	0.6639	0.0039	0.0065	0.0105
Brazil	73	0.6737	72	74	0.6637	67	0.6543	0.0100	0.0094	0.0194
Suriname	79	0.6674	78	56	0.6794	n/a	n/a	−0.0120	n/a	n/a
Bolivia	80	0.6667	79	80	0.6574	87	0.6335	0.0093	0.0239	0.0332
Belize	86	0.6610	85	94	0.6426	n/a	n/a	0.0183	n/a	n/a
Mexico	97	0.6441	96	93	0.6441	75	0.6462	0.0000	−0.0021	−0.0021
Paraguay	100	0.6379	98	69	0.6659	64	0.6556	−0.0279	0.0103	−0.0177
Guatemala	112	0.6072	110	106	0.6144	95	0.6067	−0.0072	0.0077	0.0005

Source: Hausmann, Ricardo, Laura Tyson, and Saadia Zaqhidi. Global Gender Gap Report 2008. World Economic Forum, 2008. http://www.weforum.org/pdf/gendergap/report2008.pdf

Countering Violence Based on Sexual Orientation and Gender Identity in Latin America

Fernando D'Elio

The common factor that relates to violence based on sexual orientation and gender identity in Latin America is the enormous imbalance between all of the countries in the region, and within these countries, in their provinces, states and municipalities.

Sadly, it is this imbalance that makes it difficult for states and Latin American civil society organizations to implement uniform strategies, to achieve the recognition of rights, and to fight against violence toward the lesbian, gay, bisexual, transgendered and transexual (LGBT) community. Whereas in some countries and cities this fight exists and has led to great achievements for equal rights with the rest of the community, in others work still needs to be done to repeal legislation, police regulations, and other rules that restrict the rights of, and promote violence toward, the LGBT community.

Social violence, which translates into systematic crimes against members of the LGBT community, can be observed not only in murders or physical assaults, but also in discriminatory practices that take place in schools, workplaces and within families.

In Latin America, Brazil is the country with the highest number of murders of LGBT persons, with up to 800 per year, while Mexico occupies second place. In May 2007, the vice-president of the Board of Mexico's Chamber of Deputies, Ruth Zavaleta Salgado, pointed out that 900 LGBT people had been killed in Mexico in the last eight years. She added that, according to figures provided by the National Council for the Prevention

> States are responsible not only for the violations that they themselves commit, but also for failing to prevent groups and individuals from violating the rights of other people.

of Discrimination, 100 such crimes take place every year, an average of nine per month, of which only two were solved. Of course, these statistics are only known in the countries that track this type of crimes.

Violence is exercised in different shapes and degrees at the state, educational, legal, health care, and police levels, but without a doubt the consequences remain the same: marginalization, abandonment, lack of the most basic human rights for the LGBT community, and in many cases, death. As an example of this violence, this year, we in the International Commission for the Human Rights of Gays and Lesbians launched several action alerts ask-

ing the Argentinean municipality of La Matanza to recognise the gender identity of transvestite patients in its hospitals. In many cases, when these patients require medical attention, they choose not to use city hospitals because they want to avoid the violence and humiliation that they will endure because of their gender identity. On another initiative, we asked the Peruvian government to investigate the arrest and rape of a young gay man by policemen in the region of Ascope. Situations like these, in which the state, through its institutions, is responsible for violence based on sexual orientation and gender identity, are the gravest. On one hand, the state should be responsible for leading the rest of society by example, and on the other it is the state itself that excludes the LGBT community from education, health and justice and the rest of their fundamental rights.

Efforts to reduce violence and increase recognition of the civil and human rights of LGBT people have progressed unevenly in different countries, provinces, states and cities at the governmental level.

Despite the problems described above, the work done by governments and NGOs, in recent years and in the context of the AIDS pan-

demic, has been growing and fruit-ful. In many Latin American countries and in some cities, the LGBT community has worked for and won the civil rights that they were previously denied, in various enhanced ways or at least with the intention of having the same rights as the rest of the community. In Colombia and Uruguay, civil unions have been legalised at the national level, while they are now legal at the state or provincial level in Brazil, Mexico and Argentina. Gender identity has been recognized in the health systems of many cities through projects such as Brasil Sem Homofobia (Brazil Without Homophobia) or Argentina's National Plan Against Discrimination, and others that aim to reduce this type of violence, were relatively successful by increasing the visibility of the problem and promoting work to decrease and eventually extinguish this violence.

At the international level in international organizations, the advances in the past few years have been crucially important. The most important of these is the Brazilian proposal of an Inter-American Convention against Racism and Other Forms of Discrimination and Intolerance, which prohibits discrimination based on sexual orientation. LGBT civil society representatives also had an unprecedented role in the Organization of American States (OAS) in 2007. These spaces allow for the tackling of human rights issues from a supra-national perspective, which underscores their importance. They also allow international, national and non-governmental institutions from the countries in the region to work together, build alliances and coalitions, and agree on common criteria.

The pioneering inter-American human rights systems (OAS, the Inter-American Court of Human Rights, ECOSOC, MERCOSUR, Andean Community) are setting precedents and developing new models. They have created effective ways of obliging states to negotiate with those who bring claims against them. More importantly, they have established the principle that states are responsible not only for the violations that they themselves commit, but also for failing to prevent groups and individuals from violating the rights of other people.

Unfortunately, these international organizations, which are fundamental tools for the defence of human rights, are sometimes not useful enough because violations and crimes of this nature must go through national jurisdictions first. They often do not arrive at the international level for a variety of reasons: judicial bureaucracy, indifference of the civil servants involved regarding the issues at play, fear of publicity or even because of law enforcement and justice officials' mistreatment of people that denounce violence based on gender identity or sexual orientation.

Lastly, MERCOSUR, which is composed of Argentina, Brazil, Paraguay and Uruguay, and has additional treaties linking it to Chile, Bolivia, Peru, Ecuador, Colombia and Venezuela, took a first step to protect the rights of members of the LGBT community in 1998, and is currently working through its High Authorities on Human Rights on a variety of issues related to violence based on gender-identity- and sexual-orientation-based violence.

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APEC sets sights on ambitious economic recovery

The Leaders' Meeting at the Asia-Pacific Economic Cooperation (APEC) summit in Lima, Peru met on November 22-23 and set an optimistic timeline to resolve the international financial crisis by 2010.

The summit emphasized the commitment to continue working toward free trade, rather than apply protectionist trade measures during the economic downturn. Despite the positive tone of the conference, Canada's Prime Minister Stephen Harper cautioned against over-ambitious "fiscal stimulus packages" that would leave donor countries in the red.

The APEC members also reaffirmed their commitment to investing in the developing economies in the Asia-Pacific region, while working toward the success of the WTO's Doha Trade Negotiations. The goals of APEC are in alignment with those expressed in the Washington Declaration signed earlier in November by the G20 coalition of the world's most powerful economies.

It was US President George W. Bush's final summit before President-elect Barack Obama takes his place on January 20, 2009.

Estrategias para combatir la violencia basada en la orientación sexual e identidad de género en América Latina

Fernando D'Elio

Si se quisiera hablar de un factor común en toda Latinoamérica relacionado al tema de la violencia basada en la orientación sexual y la identidad de género, tanto a nivel social como desde las instituciones estatales, gubernamentales y legales, este factor sería el enorme desequilibrio que existe entre los diferentes países de la región, y dentro estos, en sus provincias, estados y municipios, en el ejercicio de los derechos humanos de las personas LGBT.

Es este desequilibrio el que lamentablemente dificulta la uniformidad de estrategias, conquistas, reconocimiento de derechos y lucha contra la violencia hacia la comunidad LGTB, por los estados y las organizaciones de la sociedad civil que trabajan en este tema en Latinoamérica. Mientras en unos países y ciudades se han obtenido grandes conquistas hacia la igualdad de derechos de las personas LGBT con el resto de la comunidad, en otros aun se está trabajando por derogar legislaciones, reglamentos policiales y otras regulaciones que restringen los derechos y fomentan la violencia contra las personas LGTB.

La violencia social, que conduce a crímenes sistemáticos contra la comunidad LGTB, se manifiesta no solamente en asesinatos o ataques físicos, sino también en situaciones de discriminación en escuelas, trabajos, y aún dentro de las familias.

En América Latina, Brasil está en el primer lugar en la lista de los países con un alto número de asesinatos de homosexuales con 800 homicidios al año y México ocupa el segundo lugar. En mayo de 2007, la vicepresidenta de la Mesa Directiva de la Cámara de Diputados de México, Ruth Zavaleta Salgado, señaló que en los últimos ocho han sido asesinadas 900 personas homosexuales, lesbianas, transexuales y transgénero en México e indicó que se cometen aproximadamente 100 crímenes de este tipo al año, y nueve al mes, de los cuales en promedio, sólo dos son resueltos. Lamentablemente, estas estadísticas se conocen solamente de las naciones que dan seguimiento a este clase de crímenes.

La violencia contra personas LGBT es ejercida en diferentes formas y grados a nivel institucional estatal, educativo, legal, hospitalario, policial, pero indudablemente la consecuencia es la misma: la marginación, el desamparo, la falta de acceso de los derechos humanos más básicos y en muchos casos, la muerte. Este último año hemos lanzado varias acciones de alerta desde la Comisión Internacional de Derechos Humanos para personas Gays y Lesbianas dirigidas a erradicar este tipo de violencia. Por ejemplo, hemos solicitado al municipio de La Mantanza en Argentina que se reconozca la identidad de género de los pacientes travestis en los hospitales municipales, ya que muchas veces ellas prefieren no solicitar atención médica, para no sufrir la humillación y la violencia a la que son sometidas por su identidad de género. También hemos solicitado al estado peruano el esclarecimiento por la detención y violación de un jóven gay perpetrada por agentes de la policía de Ascope. Situaciones como estas, en donde es el propio estado, por medio de sus instituciones, el que ejerce la violencia basada en orientación sexual e identidad de género son las más graves, ya que el estado debería garantizar el respeto a los derechos de las personas LGBT y dar el ejemplo a la ciudadanía, pero a su vez es el mismo estado quien excluye a este grupo de la población de la educación, la justicia, la salud y demás derechos esenciales.

Lamentablemente la desigualdad en los avances para el ejercicio de los derechos de las personas LGBT en los distintos países, provincias estados y ciudades de la región está aún lejos de disminuir. Mientras por un lado se trata de equiparar los derechos de las personas LGBT reduciendo principalmente la violencia civil, legal, judicial, en la esfera estatal, en otros ámbitos como en el social o policial, la violencia esencialmente física, se mantiene.

No obstante, a pesar del escenario descrito, el trabajo realizado tanto por los estados como por las ONGs, sobre todo en los últimos años y principalmente ante la aparición de la epidemia de SIDA, se ha incrementado constantemente y ha dado frutos. En varios países de América Latina y en algunas ciudades, se está trabajando y se ha logrado en mu-

chos casos asegurar el ejercicio de los derechos civiles negados a las personas LGTB, con el objetivo de equipararlos al resto de la sociedad. Este es el caso de la legalización de las uniones civiles en Colombia y Uruguay a nivel país, y a nivel estatal en Brasil, México y Argentina; el reconocimiento de la identidad de género en los sistemas de salud en muchas ciudades, así como el trabajo realizado por el Programa Brasil sem Homofobia y la implementación del Plan Nacional Contra la Discriminación en Argentina. Estas acciones y otros proyectos destinados a disminuir este tipo de violencia tuvieron un éxito relativo en hacer visible la violencia contra las personas LGBT e impulsar el trabajo para disminuirla y erradicarla.

A nivel interestatal, los avances logrados por los organismos internacionales ocurridos en estos últimos años han sido muy importantes, particularmente el proyecto de la Convención Interamericana contra el Racismo y Otras Formas de Discriminación e Intolerancia propuesto por Brasil, que incluye la prohibición de discriminar a las personas en base a su orientación sexual, así como la histórica participación de personas transgénero representando a la sociedad civil LGTB ante la OEA en el año 2007. Estos espacios, permiten abordar problemas relacionados con los derechos humanos de las personas LGBT desde una perspectiva supra-nacional, otorgándole a las demandas o mod-

elos propuestos mayor importancia y proporcionando el forum para que las instituciones y organizaciones estatales y no gubernamentales de los diferentes países de la región trabajen conjuntamente, formen alianzas y coaliciones y unifiquen criterios a nivel internacional.

El sistema interamericano de derechos humanos (OEA, La Corte

> Los Estados son responsables no solamente de las violaciones que ellos mismos cometen sino que también deben rendir cuentas cuando no logran impedir que individuos o grupos violen los derechos de otras personas.

Interamericana de Derechos Humanos, ECOSOC, MERCOSUR, la Comunidad Andina, etc.) es pionero y ha sentado precedentes y modelos sobre los derechos humanos de las personas LGBT en varios áreas. Ha creado una forma efectiva de obligar a los Estados miembros a negociar con quienes presentan demandas contra ellos. Y lo que es aún más importante, ha establecido que los Estados son responsables no solamente de las violaciones que ellos mismos cometen sino que también deben rendir cuentas cuando no logran impedir que individuos o grupos violen los derechos de otras personas.

Desafortunadamente, estos organismos internacionales y sus acuerdos, que son herramientas fundamentales para la defensa de los

derechos humanos, en muchos casos no son útiles, porque un gran número de casos de violaciones y crímenes contra personas LGBT no pasan por los sistemas legales establecidos por diferentes razones. Entre ellas, la burocracia de los sistemas jurídicos de los países, la indiferencia de los funcionarios judiciales ante las violaciones basadas en la orientación sexual o identidad de género, el temor a la exposición pública de los afectados, pero mucho más grave, debido al maltrato que algunas personas reciben al denunciar cualquier tipo de violencia basada en la identidad de género o la orientación sexual por parte de los oficiales de justicia.

El MERCOSUR que hoy está formado por Argentina, Brasil, Paraguay y Uruguay, posee, además de los acuerdos internos al grupo, tratados adicionales que involucran a Chile, Bolivia, Perú, Ecuador, Colombia, Paraguay y Venezuela. Este organismo dio un primer paso en 1998 para la protección de los derechos humanos de las personas LGBT y actualmente la autoridad de MERCOSUR en derechos humanos está trabajando en varios temas relacionados con la violencia basada en la orientación sexual e identidad de género. 🌎

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Gender, Health and Mobility: Health Concerns of Women Migrant Farm Workers in Canada

Janet McLaughlin

The economic impacts of temporary labour migration, for both migrants and host countries, often overshadow and render invisible the social consequences.

Based on three years of ethnographic research in Mexico, Jamaica and Canada, this article addresses issues of health and health care among women migrant workers in Canada's Seasonal Agricultural Workers Program (SAWP). This temporary labour migration program annually employs some 20,000 workers from Mexico and the Caribbean in the Canadian agricultural industry.

Approximately three per cent of SAWP participants are women. In FOCALPoint's 2007 Special Edition on Migration, Kerry Preibisch demonstrated the ways in which women's migration is characterized by specific concerns, as they live and work in a "highly masculinized environment." Women's health is an especially important, yet neglected issue.

Occupational Health

Agriculture is among Canada's most precarious industries. Common occupational hazards for farm workers include exposure to agrochemicals, long days of work with few breaks, and continual bending and lifting, in climactic conditions of rain, extreme heat or cold. Pesticide exposure can cause acute symptoms such as eye, skin and throat irritations, as well as long-term prob-lems, such as cancer. Many workers also experience back and neck pain; sometimes, accidents have caused fractures, permanent injuries or death. While both men and women may be exposed to these hazards, women experience them differently. Exposures can affect women's menstrual cycles and can cause infertility, miscarriages and pregnancy complications.

Sexual and Reproductive Health

Displaced from families and communities, migrants who are normally in their reproductive years may find solace and fulfillment in romantic and/or sexual partners in their temporary residence. Both men and women migrants risk contracting sexually transmitted infections, but women alone face the trauma of unwanted pregnancies. Pregnancies among migrant women are often unexpected and/or undesired. In the absence of affordable birth control and accessible health care, some women rely on contraceptive methods such as vinegar solutions, pills or "natural remedies" from home or seek unsafe abortion methods to terminate unwanted pregnancies.

When pregnant, many women continue to work despite the hazards of strenuous physical labour and chemical exposure. Others go home prematurely. Such women face the constant fear that their pregnancies may jeopardize their current or future employment at a time when they need financial stability more than ever. Fear keeps them from reporting their pregnancies, seeking prenatal care or maternal benefits or from asking for a modification of tasks to accommodate their changing physical needs and limitations.

Mental and Emotional Health

Many migrants experience mental health-related problems, especially depression and anxiety associated with long absences from family and homesickness, complicated by stressful living and working conditions in Canada. Women workers, who normally are single mothers, face a particularly challenging situation. They live in a paradox whereby they take on the traditionally male role of breadwinner, and in so doing abandon their socially inscribed roles as caregivers. Not surprisingly, they continually express the guilt and anxiety they feel for leaving their children behind. Some women report crying daily because they miss their children and feel that they are inadequate mothers.

Health Care Access

While they are in Canada, migrants have access to provincial health care, workers' compensation and private supplementary insurance. Barriers to accessing these provisions include constraints on workers' mobility and communication with employers. Sometimes communication is barred by language, but it may also be affected by workers' fear or intimidation. Em-

ployers can fire workers and thereby force the early repatriation of workers. In addition, migrants rely on employers to apply for and provide them with health cards. In some cases, employers withhold the cards and workers can only go to a doctor with an appointed supervisor, who also acts as a translator. This places women in a particularly difficult position; many do not feel comfortable being examined or revealing their health concerns in front of male superiors.

The transient nature of migrants' lives exacerbates problems accessing specialized services. Many women report difficulties accessing routine tests such as pap smears or mammograms, especially when follow-up tests or treatments are required. Afraid to ask for permission to seek health care or dissatisfied with the care they receive in Canada, many workers delay seeking treatment until they return home.

Cultivating Change

Migrant workers will remain structurally vulnerable to health concerns so long as they are excluded from social and political membership in Canada. The right to regularization is viewed by many as the only way to fundamentally address the structural inequalities and precarious nature of migrants' position. After decades of employment in Canada, many migrants would like the option to settle here and end the painful annual separations from their families or at least the freedom to come and go as family needs may arise. This is a particularly important concern for women as single mothers.

Immediate changes to address workers' vulnerability within the program could include giving them the right to freely change employers and an impartial appeals process for early repatriations and removals from the program. Workers that require medical care, including prenatal care, should be able to access it without the risk of being fired and deported. Workers should also be given job security. Women should not fear that they will lose their spot in the program for having become pregnant.

All workers should be given health cards upon their arrival to Canada and these cards should remain in their possession. Neutral female interpreters should be available to help women mediate health consultations. A comprehensive, long-term bi-national health insurance program, including birth control, should replace the current system. Further targeted efforts should be made to ensure that women have access to regular and follow-up exams.

Many community, labour and church groups have begun to fill some of the gaps left by policy. These efforts should be supported with sustained funding. Specialized, multilingual health services for migrant workers, such as mobile outreach, education and support initiatives, should be deployed. Gender-sensitive policy responses must consider the specific needs of both male and female migrants. As Canada deepens its dependency on migrant workers, Canadians should ensure that migrants receive the support they need to live healthy lives across borders.

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Court orders Ontario to allow agricultural workers to unionize

In a decision released on November 17, the Court of Appeal of Ontario concluded that the current Agricultural Employees Protection Act (AEPA) is constitutionally invalid and it "substantially impairs the capacity of agricultural workers to meaningfully exercise their right to bargain collectively." The provincial government has 12 months to deliver legislation that protects agricultural workers, including migrants, with the right to organize unions and bargain collectively. According to the United Food and Commercial Workers Union Canada, there were nearly 16,500 migrant farm workers employed in Ontario in 2005, largely from Mexico and the Caribbean, representing approximately 16.5 per cent of all agricultural workers in Ontario.

In drafting its new legislation, Ontario can look to Manitoba, which recently passed landmark legislation that will create a record of all employers who apply for work permits for temporary foreign workers as well as license Canadian recruiters.

We Need Inclusive Communities for Women

Markus Gottsbacher

The multiple forms of violence against women and girls are a problem that falls within both the public and private spheres; it is essential that action be primarily directed toward both of these dimensions, which are inter-linked. Above all, we must fight against the invisibility of violence against women and girls.

The collective creation of policies and programmes based on best practices and evidence is crucial. For that, we need a reliable data system that is constantly updated through varied and continuous data collection and statistical analysis. However, there is, still a long way to go before that data is appreciably used in real gender analysis. The role of academics as well as other civil society actors and even municipal governments is extremely important, especially in terms of creating frameworks for participatory research and action with a multidisciplinary focus that reflects the real needs of women and girls at the community level.

There are a number of well-known projects that monitor gender violence and crime in several cities, particularly in Latin America. However, these efforts should be strengthened —in some cases methodologically— but also in their potential to influence public policy. The lack of linkages between these projects is also an issue, and a space for continuous mutual learning and exchange should be created.

Several of these initiatives focus on citizens' security; this concept can be a useful tool However, more efforts should be made to include a real focus on gender and feminization.

Another crucial challenge is how to make the research and systematic use of best practices for the promotion of inclusion have an effective influence on public policy. How can we more successfully link these experiences and take them from the local to the national and even the international level so they can make an impact in other communities? We have to engage with programmes, projects and experiences that have achieved positive change in other contexts and adapt, improve and integrate them into different, specific socio-cultural contexts.

It is extremely important to recognise the diversity and multiple socio-cultural, economic, and political dimensions of women. Fighting stigmatization is crucial. City design, its infrastructure, public transit networks, health and education services, etc., must meet the needs, diversity and different identities of women and girls, and not the other way around. Bringing institutions, policies, and strategies closer to women and girls, so they can jointly participate in their design, is a necessary condition.

We have to create plans, programmes and projects together with women of every ethnicity, social class and generation. It is especially challenging to listen to the voices that have traditionally been excluded. This is a difficult process in terms of building confidence and creating a culture of collaboration, and it is all the more challenging in contexts of pervasive violence. It is a path with many obstacles to achieving the collective construction of more and more micro-spaces for the rights, empowerment, security and dignified life of women and girls. We have to create multiple initiatives that stem from the everyday life of women, and not policies and support designed "from above." How can daily practices by women be encouraged in order to build, link and multiply violence-free spaces?

Building women's and girls' trust in public spaces is a fundamental undertaking as this is not built only by women with diverse identities, but also through the relationship between women and men, above all in the exercise of real power in public spaces. Women and girls are not just victims with specific vulnerabilities, they are also political actors that can exact social change and transformation; therefore, it is obligatory to give them full access to their political and citizenship rights. The creation of inclusive and safe communities for women is more realistic where there is truly democratic governance, which includes the voices of women and girls at the forefront. Paternalistic and assistance-based interventions, which are designed for women without including women and girls ultimately leads to exclusion. We must promote the empowerment and autonomy of women and girls in all their dimen-

sions, be they socio-cultural, political or economic.

Another important issue is to focus interventions not only on women, but also on men. Working on the theme of masculinity and its transformation means an empowerment of men, and ultimately both genders. Its social construction, its significance in each society, is a process that affects not just one gender, but both. The problem of violence against women and girls is not just their problem. It is the whole community's problem and it is the responsibility of men to work on their own involvement, behaviour and attitudes to achieve a violence-free and inclusive culture.

Better community design, with better infrastructure and services that are adapted to the needs of women and girls, is not enough. It must go hand in hand with a constant strengthening of the fabric of society. This is a special type of challenge in communities where the social fabric is enormously strained by migration, natural disasters, organised crime, etc. We must facilitate and promote practices and a culture of resiliency at the community level. We have to value more the work of women at the local level.

A culture of comprehensive gender violence prevention must be at the core for local communities. Needless to say, prevention goes hand in hand with carefully attending to the victims of violence. The media play a primary role in achieving these goals.

Policies, plans and programmes must have a long-term vision, but also be flexible and effective in the short term. They must make sense and be relevant to people beyond the term of a particular government.

It is probably safe to say that if these policies, plans and programmes are based on processes of real inclusion, they will endure. The challenge is to have them create processes for positive change but at the same time be flexible enough to provide significant interventions in the short term. Additionally, it is important to not think only in terms of isolated interventions, but to also pursue a pragmatic and institutionalised framework that is coherent and sustainable.

It is important to create and sustain a culture and a permanent practice of monitoring and evaluation of policies and strategies, not only to measure results, but also to promote continuous learning in order to improve interventions and practices.

Another priority should be the continuous training of specialised personnel, while keeping in mind that capacity-building should not focus only on the individual level. Only if we improve institutional capacity will be see results at the community and societal levels.

None of this can happen without the allocation of sufficient resources and their use through gender-focused, collective and participatory practices. I believe it is important that the resources come not just from the public sector, but also from civil society and the private sector. We have ample experience in terms of public-private partnerships, although these alliances should also be broadened on this theme. It is also not merely a question of funding, but also of co-governance with every sector of a given community. Building inclusive communities that protect the security of women and girls is the responsibility of multiple actors within society. In this con-

text, one last thought I want to put forward involves the need for improvements in the legal framework and in the access to, and functioning of, the criminal justice system, so that gender violence will not go unpunished.

Creating safe and inclusive communities for women and girls is ultimately the responsibility of each and every one of us. Does my attitude, behaviour, actions, or non-actions really contribute to more security and less violence? What is public is also private, and what is private is also public.

Markus Gottsbacher is the Senior Program Officer, Peace, Conflict and Development Program, of the International Development Research Center (IDRC). He presented these ideas at the Eighth Annual Colloquium on Crime Prevention, November 12-14, 2008, organized by the International Centre for the Prevention of Crime (ICPC) and the Government of Queretaro, in Queretaro. A compendium of practices on women's safety has just been published for the colloquium and is available online.

Necesitamos Comunidades Inclusivas para las Mujeres

Markus Gottsbacher

Las múltiples formas de violencia contra mujeres y niñas es un problema que se presenta en lo privado y lo público. Es fundamental reconocer que las dos dimensiones, privada y pública, están vinculadas entre sí. Ante todo hay que luchar contra la invisibilización de la violencia contra las mujeres y niñas.

La construcción colectiva de políticas y programas basados en buenas prácticas y evidencia es clave. Para eso precisamos de un sistema de datos confiables que se actualice continuamente, mediante múltiples prácticas de levantamiento de datos y estadísticas. Sin embargo, hace falta mucho para que éstos sean más sensibles a un verdadero análisis de género. El rol de la academia y también de otros actores de la sociedad civil, así como de los gobiernos municipales es de suma importancia, sobre todo para llevar a cabo prácticas de investigación-acción participativa y con un enfoque multi-disciplinario, que reflejen las necesidades reales de las mujeres y niñas a nivel comunitario.

Actualmente, existen experiencias valiosas de observatorios de violencia de género y también de delincuencia en varias ciudades, particularmente en América Latina. Sin embargo es necesario fortalecer estos esfuerzos –en algunos casos, sobre todo metodológicamente– pero también analizar como estos esfuerzos puedan incidir en las políticas públicas. Otro tema pendiente es la falta de vinculación entre estos observatorios y la creación de un espacio de aprendizaje e intercambio continúo entre ellos.

Algunas de las iniciativas contra la violencia basada en el género tienen como enfoque central la seguridad ciudadana. Este concepto puede ser un instrumento muy útil. Sin embargo, habría que poner más esfuerzos para que incluya una verdadera perspectiva de género y su impacto en las mujeres y las niñas.

Otro desafío central es como lograr que la investigación y la sistematización de buenas prácticas que promueven la inclusión puedan incidir efectivamente en las políticas públicas. ¿Cómo se puede lograr con más éxito una vinculación de estas experiencias y llevarlas del nivel local al nivel nacional e inclusive internacional para que puedan tener también un impacto en otras comunidades? Hay que retomar programas, proyectos y experiencias que han logrado un cambio positivo en otros contextos y adaptar, mejorar e integrarlas al contexto socio-cultural específico.

Reconocer la diversidad de las mujeres, sus múltiples dimensiones socio-culturales, económicas y políticas, es clave. Luchar contra su estigmatización es crucial. El diseño de las ciudades, su infraestructura, su sistema de transporte, sus servicios de educación y salud deben corresponder a las necesidades de acuerdo a las diversidades e identidades de las mujeres y niñas, y no al contrario. Acercar y adaptar a las instituciones, políticas, estrategias y los servicios específicos a las mujeres y niñas, y diseñarlos conjuntamente con ellas es un *sine qua non*.

Hay que construir los planes, programas y proyectos conjuntamente con las mujeres, de todas las clases sociales, etnias y generaciones. Sobre todo es un desafío lograr que se escuchen las voces de aquellas que son tradicionalmente excluidas. Es un proceso de construcción de confianza y de una cultura de colaboración, que es más arduo en contextos de mucha violencia. Es un camino con muchos obstáculos para lograr la construcción colectiva de más y más microespacios de reivindicación de los derechos, el empoderamiento, la seguridad y la vida digna y plena de las mujeres y niñas. Son múltiples las iniciativas que se realizan desde la cotidianidad de las mujeres, sin las políticas y el apoyo "desde arriba". ¿Cómo fomentar las prácticas cotidianas de mujeres para construir espacios de no-violencia, vincularlas y multiplicarlas?

La construcción de confianza en el espacio público por parte de las mujeres y niñas es una tarea fundamental. Ya que ésta se construye no solamente entre las mujeres de identidades diversas, sino también entre mujeres y hombres, sobre todo en el ejercicio de poder real sobre el espacio público. Mujeres y niñas no son solamente víctimas con vulnerabilidades específicas, sino también son actores políticos, actores de cambio y de transformación social y es una obligación de los estados darles pleno acceso a sus derechos políticos y de ciudadanía. Comunidades inclusivas y seguras para las mujeres son más realistas donde hay una gobern-

abilidad realmente democrática, incluyendo las voces de las niñas y mujeres como protagonistas. Intervenciones paternalistas y asistencialistas, en el sentido de todo para todos, pero nada con las mujeres y niñas, contribuyan finalmente a lógicas de exclusión. Hay que promover el empoderamiento y la autonomía de las mujeres y niñas en todas sus dimensiones, sea de índole socio-cultural, política o económica.

Otro de los temas importantes es enfocar las intervenciones no solamente en mujeres, pero también en los hombres. Trabajar el tema de masculinidades y su transformación significa también un empoderamiento de los hombres y por ende de ambos géneros. Su construcción social, su significado para cada sociedad es un proceso que afecta por supuesto no solamente a un género, sino a los dos. El problema de violencia contra mujeres y niñas, no es el problema solamente de ellas. Es el problema de toda la comunidad y es la responsabilidad de los hombres de trabajar sus intensidades, comportamientos y actitudes, para lograr una cultura de no-violencia y de inclusión.

Un mejor diseño de las comunidades, con una mejor infraestructura y servicios adaptados a las necesidades de las mujeres y niñas no es suficiente. Tiene que ir mano a mano con un fortalecimiento constante del tejido social. Este es un desafío especial, en comunidades donde el tejido social está expuesto a enormes presiones por migración, desastres naturales, crimen organizado, etc. Hay que facilitar y promover una cultura y prácticas de resiliencia a nivel comunitario. Hay que valorar más el trabajo de grupos de mujeres a nivel local.

Una cultura de prevención integral de violencia de género debe ser central para las comunidades. Por supuesto, la prevención va de la mano con la atención integral de víctimas de violencia. Los medios de comunicación juegan un papel primordial para lograr estos cambios.

Políticas, planes, y programas deben tener una visión a largo plazo, pero con flexibilidad y efectividad a corto plazo. Deben tener sentido y ser relevantes para la gente, más allá del periodo de un gobierno. Lo más seguro es que si son frutos de procesos reales de inclusión, perdurarán. El desafío es que contribuyan a procesos, que incidan cambios positivos, pero que tengan al mismo tiempo la capacidad y flexibilidad de una intervención significante a corto plazo. Asimismo, es importante no pensar solamente en intervenciones aisladas, sino realmente perseguir un enfoque programático e institucionalizado que es coherente y sustentable. Es importante instalar y cultivar una cultura y prácticas permanentes de monitoreo y evaluación de las políticas y sus estrategias, no solamente para rendir cuentas, sino también para promover una cultura de aprendizaje continuo para mejorar las intervenciones y prácticas.

Otra prioridad debe ser la capacitación continua de personal especializado, sin perder de vista que el desarrollo de capacidades no se debe enfocar solamente al nivel individual. Solamente si logramos desarrollar capacidades también a nivel de las instituciones vamos a lograr incidir a nivel de la comunidad y sociedad.

Nada pasa sin la asignación de suficientes recursos y su uso empleando prácticas de construcción colectiva y participativa con enfoque de género. Creo que es importante que los recursos no solamente deban llegar del ámbito público, sino también de la sociedad civil, del sector privado. Hay muchas experiencias de alianzas entre lo público y privado, pero sin embargo habría que ampliar estas alianzas también para este tema. Tampoco no es solamente una cuestión de fondos, sino de co-gobernabilidad con todos los sectores de una comunidad. Es la responsabilidad de múltiples actores de la sociedad de construir comunidades inclusivas para garantizar la seguridad de las mujeres y niñas. En este contexto, otro pensamiento que quiero destacar es la necesidad de mejoramiento de la institucionalidad legal y de un sistema de justicia criminal y de acceso a justicia para contrarrestar la impunidad de violencia de género.

Para lograr comunidades inclusivas y seguras para niñas y mujeres es últimamente la responsabilidad de cada una y uno de nosotra/os. ¿Mis actitudes, mis comportamientos, mis acciones o no-acciones realmente contribuyen a más seguridad y menos violencia? Lo público es lo privado, pero también lo privado es lo público. 🌐

Markus Gottsbacher es un oficial de Programa del Centro Internacional de Investigación para el Desarrollo (IDRC). Ha presentado estas ideas en el Octavo Coloquio Anual sobre la Prevención del Crimen, Noviembre 12-14 organizado por el Centro para la Prevención del Crimen y el Gobierno de Querétaro. Un compendio de prácticas para la seguridad de las mujeres ha sido publicado por el Coloquio en Internet en inglés.

ANNOUNCEMENTS

Expert Dialogue on Labour Mobility in North America report launch

Gatineau, Quebec campus, Universidad Nacional Autónoma de México (UNAM)

January 19, 2009

FOCAL will be discussing the highlights of the report from the Expert Dialogue on Labour Mobility in North America in Mexico City this past June. FOCAL will also be looking for experts and academics to participate in a new research are forum on migration issues in the North American region, a network facilitated by Metropolis, FOCAL, UNAM and researchers with US Citizenship and Immigration. For more information please contact Barb MacLaren, 613-562-0005 or bmaclaren@focal.ca.

New FOCAL Mapping Migration Concept Paper

FOCAL has released through it web site a new concept paper on "Mapping Migration" using GIS technology. Download the paper at www.focal.ca.

PEACEBUILD — GENDER AND PEACEBUILDING WORKING GROUP

This edition was produced in partnership with Peacebuild's Gender and Peacebuilding Working Group.

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